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# ***JPRS Report***

## **East Europe**

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# East Europe

JPRS-EER-92-020

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### DPS Faces Economic Problems in Momchilgrad

92BA0371A Sofia PRAVA I SVOBODI in Bulgarian  
13 Dec 91 p 8

[Article by Konstantin Semerdzhiev: "The Legacy of the Bulgarian Communist Party/Bulgarian Socialist Party"—first paragraph is PRAVA I SVOBODI introduction]

[Text] Momchilgrad has a new township administration. Its legacy was exclusively one of problems that had taken years to accumulate, and of the "wise policy and various considerations" of the "brilliant first secretary."

The town of Momchilgrad is small but quite urbanized and located in a favorable industrial and agricultural area. However, the economic, cultural, and social crisis in which our country found itself did not bypass it. Here, as well, there is an office for the registration of the unemployed, and, in the past few months alone, their number has risen to 1,501.

The dependent ties of our economy to that of the Soviets, via CEMA, is currently yielding fatal results. Associations and their branches are collapsing essentially because of the lack of raw materials or their high cost, as well as the lack of markets for the substandard goods they produce. The workshops, which were opened in a number of villages and which employed the available manpower and provided a livelihood of sorts, are being closed down.

According to Resolution 110 of the Council of Ministers of 1991, the township was to publicize available jobs. However, such announcements were not mandatory, for which reason, in practical terms, the labor office registers the unemployed for information purposes only. In Momchilgrad, as elsewhere, privatization has consisted of opening 70 private firms in trade, not a single one of them in production.

This is the season for buying the tobacco crop, which is the gold of this area. Until this year, its price had remained strangely low: 1 kg of tobacco was worth one package of cigarettes. The Momchilgrad "Tobacco Industry" purchases the tobacco from Zvezden and Nanovitsa Villages and from the township itself, processes it (handling and curing), and markets it. The clients are secured: the United States, Japan, France, Germany, and the USSR, and there is also domestic demand. With a starting price of 25 leva, the price is expected to reach 36-38 leva. However, the anticipated amount of 1,300 tons of tobacco is below the 1988 output by a factor of 2.5. Still, it is only this industry that provides seasonal jobs for about 240 persons, working in two shifts. But what will happen after that?

The results of the "rich harvest" of the "revival process" are keenly felt in Momchilgrad. Many people emigrated as a result of threats, coercion, and violation of their most basic human rights. The local intelligentsia, which our state nurtured over a period of many years, became the target, both literally and metaphorically. Today there are no doctors, teachers, agronomists, or veterinary specialists in the Momchilgrad area. The hospital, which services Kirkovo Township, as well, or a population of 60,000, has 67 vacancies for doctors. Only one dentist works here, in private practice.

This is only part of the legacy that the new township administration, consisting of DPS [Movement for Rights and Freedoms] members, has received.

#### Caption

Sabahatin Ali, mayor of Momchilgrad

### Opinions, Attitudes of Private Businessmen

92BA0347A Sofia DELOVI SVYAT in Bulgarian  
18, 25 Nov, 2, 9, 13, 20 Dec 91

[Eighth through 13th installments of a continuing article detailing a survey conducted by a business sociology group from St. Kliment Okhridski University, headed by Candidate of Financial Sciences Tsvetan Davidkov: "Sociological Research on Private Business"—first two paragraphs are DELOVI SVYAT introduction; for first four installments, see JPRS-EER-91-170, 18 November 1991, pages 2-5; for fifth and sixth installments, see JPRS-EER-91-178, 12 December 1991, pages 4-7; seventh installment not received]

[18 Nov p 3]

[Text]

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### Unemployment—Will Private Business Confront It?

How many jobs are provided by private business today? Statistics indicate that, by 1 October 1991, there were 127,660 one-owner firms owned by civilians, 50,174 collective firms, and 1,508 company firms. Considering the classification of private firms, based on employed personnel, and recomputing the data on the basis of the number of registered firms for the same date, we see that the breakdown of jobs by firms, based on the number of employed personnel, is as shown in table.

	Single	Collective	Company
Works alone	66,128	2,158	65
5 persons or fewer	46,723	33,616	327
6 to 10	11,106	8,730	524
11 to 15	1,659	3,261	196
16 to 25	1,148	903	131
26 to 30	382	201	65
31 to 50	382	552	65
51 to 75	0	351	0
More than 75	127	351	131

If we multiply the number of firms indicated in the table by the average figures for the separate intervals (for example, in the case of firms employing six to 10 persons, the average number is eight), the result is as follows:

- Single-owner firms account for 49.5 percent of full-time and 56.5 percent of part-time jobs (for all private firms);
- Collective firms account for 45.7 percent of full-time and 41.3 percent of part-time jobs;
- Company firms account for 4.8 percent of full-time and 2.2 percent of part-time jobs.

In absolute terms, this means that single-owner companies provide 185,984 full-time and 166,593 part-time jobs; collective companies provide 171,619 full-time and 121,746 part-time jobs; and company firms provide 18,164 full-time and 6,422 part-time jobs. The total is 375,767 full-time and 294,761 part-time jobs.

The same data, computed by another method, are somewhat different from those we indicated. Another computation of full-time and part-time jobs gives the figures 384,942 and 285,586, respectively.

The breakdown of jobs based on the type of activities of the firms is of interest. If we accept without reservation the information of the respondents, 21 percent of the full-time and 20 percent of the part-time jobs are in production (the specific type of production is a different matter); 40 percent of the full-time and 38 percent of the part-time jobs are in trade; 39 percent of full-time and 42 percent of part-time jobs are in services.

Bearing in mind that the population in the active-age group in our country is 4,735,000 (September 1991) we can see that, in terms of percentile figures, jobs provided by private business account for 5-10 percent.

It is claimed in some circles that, if you are offering a commodity and are close to the 4-percent limit (of the share of the market), people start paying attention to you. The implication is clear: Although private business is in its embryonic stage, it is already worthy of attention as a potential and actual employer.

[25 Nov p 3]

[Text]

#### The Private Firm: More on Personnel

As was made clear, the typical single-owner firm employs five persons or fewer, the typical collective firm two to 10 persons, and the typical company firm two to 10 persons.

It is worth knowing that 32 percent of private firms employ members of the owner's family, 17 percent of the firms employ owners' relatives, and 40 percent of the firms employ outsiders. A very strong correlation exists (Kramer = 0.39121) between the size of the personnel and the categories (members of the families of owners, relatives, outsiders) of firm workers. Members of owners' families are employed in 56 percent of the firms employing five persons or fewer and 20 percent of the firms employing six to 10 persons. In companies employing more than 10 persons, this percentage drops sharply, ranging between 0.3 and 5.4 percent.

A similar situation appears in identifying firms employing owners' relatives. These include 54 percent of the firms employing five persons or fewer and 22 percent of the firms employing six to 10 persons. Here, as well, beyond the 10-person limit, the percentage of firms employing owners' relatives drops sharply.

As to the breakdown of outsiders, the situation is as follows: Nearly 60 percent of them work for firms employing five persons or fewer; one-quarter work in firms with six to 10 persons.

We see, therefore, that firms with 10 persons or fewer provide most of the jobs to both members of the families of owners and their relatives and to outsiders.

The next question is related to the role of private business in controlling unemployment. We shall use as a base the following result (Table 1):

1. How many of your companies' employees have full-time jobs, and how many receive honorariums? 2. Percent 3. Full-time 4. Honorarium 5. Full-time and honorarium

The computations lead to the conclusion that private business currently provides between 375,000 and 384,000 steady jobs and that between 285,000 and 294,000 persons receive honorariums.

The structure of such jobs by area of activities is as follows (Table 2):

	Full-Time	Honorarium	Full-Time + Honorarium
	(in percent)		
Industry	9.0	10.7	10.7
Trade	23.8	23.2	16.8
Services	27.0	34.5	14.1
Industry + trade	11.5	7.9	14.1
Industry + services	4.1	2.8	6.0
Trade + services	16.4	17.5	21.5
Industry + trade + services	8.2	3.4	16.8

At this point, we should indicate that 68 percent of the owners of private firms work full-time in their own firms. The rest are essentially employed elsewhere. The impression is that owners whose main jobs are in their own firms prefer to work with permanent personnel—46 percent of such owners use full-time people exclusively (those whose main jobs are not in their own firms use fewer full-time employees by a factor of five). Conversely, the owners of private firms whose main jobs are in state enterprises use in their own firms people essentially paid with honorariums (more than 50 percent of this category of owners). About one-third of them exclusively use full-time workers.

[2 Dec p 4]

[Text]

#### The Private Entrepreneur Is a Great Specialist on Matters of Quality; He Gets a "Failing" Mark in the Area of Foreign Trade and Is Not Familiar With Advertising

We asked the private businessmen to rate themselves on the basis of 10 criteria that illustrate basic activities related to running a business. Using a four-point rating ("very good training," "good," "average," or "poor"), they noted the strong and weak aspects of their own business training.

Enterprising Bulgarians most frequently gave themselves a "very good" rating regarding their ability to organize control over the quality of the goods and services produced by their firms. The "very good" rating was used least frequently for their ability to organize the commercial activities of their firms with partners abroad.

Most frequently, the "average" rating was for ability to develop efficient relations between firms and banks, and

least frequently it was used for their ability to exercise control over the quality of goods and services.

A failing grade was given, above all, for foreign trade ability of the private businessman and least frequently for his ability to provide good quality (Table 1).

#### How do you assess your own training in the following?

	Good + Very Good Training	Average + Weak Training
	(in percent)	
Organizing production and services in the firm	63.9	26.5
Organizing the firm's servicing activities	38	24.8
Handling the firm's accounting	52.3	27.8
Determining material costs and production costs of goods and services in the firm	54.7	25.4
Organizing control over the quality of production and services in the firm	62.6	11.5
Organizing commercial activities of the firm with partners abroad	20.3	34.2
Advertising	33.7	37.3
Holding talks and reaching agreements with trade partners and brokers	17.1	24.1
Organizing efficient relations between the firm and the banks	36.4	34.8

This table substantiates the claim that the private businessman is most self-confident in the area of his own production and in ensuring the high quality of the goods and services he provides. He is least confident in the areas of advertising, relations with banks, and establishing foreign trade contacts. More than one-half of all private businessmen are confident about determining the cost of output and in the area of firm accountability. Between two-fifths and one-half feel comfortable in discussions. Between one-third and two-fifths are confident in the areas of domestic trade, company services, and relations with banks. However, this coin has its opposite side: More than one-third of those surveyed feel that they must increase their knowledge in the areas of advertising, banks, and foreign trade; and about one-quarter in the areas of accountability, domestic trade, organizing their own production of goods and services, computing material and production costs of their output, organizing servicing, and holding discussions. No more than some one-tenth obviously need to improve their training if they wish to improve their quality.

[9 Dec p 3]

[Text]

**Information Means Power**

Information is power. Information means money. And it means everything to the businessman. Provide good information to the businessman and he will give you anything you want.

What is your source of business information?	
I have no need for business information	9.0%
National newspapers and periodicals	58.7%
Local press	25.7%
Radio	44.5%
Television	55.1%
Foreign sources	16.0%
Talking to relatives and friends	49.1%
Specialized teams and experts	21.1%
Official sources	20.8%
Personal impressions	51.2%
No source of information	5.8%

What are the best sources of business information supplied to the Bulgarian businessman? This is disputed by two "big wheels":

- The central press and periodicals.
- Television.

These, precisely, are the most frequently indicated sources of information provided to private businessmen (the central press and periodicals provide information on business matters to 58.7 percent of the respondents; television provides information to 55.1 percent). Why does printed matter prevail currently? Is it because of the large size or the free (private) interest of the publishers? And how should one respond to the challenge of the "fourth estate"?

The personal impressions of initiative-minded Bulgarians and their contacts with relatives and acquaintances are a major source of business information. "Someone I know told me" successfully rivals the global information network. About one-half of private businessmen claim that personal impressions and discussions with relatives and acquaintances are essential sources of information for them. Is it paradoxical that the personal information network is of such great importance to the enterprising person?

It is not a paradox. True business information includes a number of elements that do not tolerate publicity. In this case, secrecy is frequently of decisive importance to the success of an initiative.

The rating of the radio is high: 44.5 percent of the respondents listed it as their source of information. Between one-sixth and one-quarter of private businessmen use foreign sources (16 percent), official sources

(20.8 percent), specialized units and experts (21.1 percent), and the local press (25.7 percent).

As for the core of the information that is offered to and needed by businessmen, the greatest lack is in the area of promptly acquainting the businessmen with changes in legislation: 94.4 percent complain that we need an information service that would provide precisely such a service. The next unsatisfied information need is related to the prices of goods and services offered by the individual businessman: 86.3 percent need such information. An equal number of people would like to have more information on current prices of raw and other materials both in the country and abroad. About four-fifths of the respondents lack information concerning companies they could contact and new developments in the production of goods and services. An equal number of people would like more information on the prices of machines and equipment. About two-fifths of the respondents would like information concerning the necessary farming operations during a certain period of time and new developments in farming and livestock breeding. The fact that these needs are at the "bottom" of the thus-established scale is due, above all, to the relatively small percentage of private companies engaged in agriculture.

[13 Dec p 3]

[Text]

**Position of Private Companies in the System of Economic Relations**

The following comparative table indicates that the relative balance in the activities of private companies as consumers and suppliers applies to agricultural and finished products. As to raw and other materials and spare parts, the volume of consumption by private firms is higher by a factor of 2.5-3 as compared to the volume of procurements. It is clear that the object of activities of private firms puts them more in the extreme and lowest echelons of economic activities.

	Firms Asked	
	Consumers	Suppliers
Raw materials and semiprocessed goods	36.7%	13.5%
Spare parts	18.3%	6.9%
Agricultural commodities	9.2%	8.0%
Finished goods	36.5%	41.3%

Also indicative of the nature of economic activities of private firms are the following correlations:

- 75.7 percent of the firms that supply raw and other materials also receive raw and other materials. Inasmuch as most private firms operate in the areas of services and trade, there is no significant correlation between the position held by a firm within the system of economic relations and the object of its activities, for which reason we may assume that it is a question of middlemen ("retailers").

- 47 percent of the firms that supply finished goods do not receive raw and other materials. This indicates that they do not produce but, rather, redistribute finished goods.
- 70 percent of suppliers of agricultural commodities are, in turn, the recipients of such commodities.
- As to the dynamics of finished goods, 68.2 percent of the firms that supply finished goods also receive such goods.

It is a well-known fact that a significant percentage of finished goods sold by private firms is imported from foreign countries. A guideline in this respect is provided by the fact that 35.5 percent of the firms that receive finished goods have business relations with foreign partners (for comparison's sake, only 15.8 percent of firms that do not receive finished goods have foreign partners).

The same correlation exists between the share of firms that supply finished goods and the existence of foreign partners: 35.6 percent of these firms have contacts with partners abroad (only 14.2 percent of the firms that supply finished goods have foreign partners).

Which firms show better earnings? Those that receive raw and other materials or those that receive finished goods? If we consider the "satisfaction with production costs" criterion as a sufficiently reliable substitute for the "satisfaction with profits" criterion, we can assert that the consumers of raw and other materials and 16.2 percent of those who receive finished products are satisfied with their production costs; 28.9 percent of the former and 30.8 percent of the latter are satisfied but could lower their production costs; 33.8 percent of those who receive raw and other materials are clearly dissatisfied with their production costs, and 30.5 percent of those who receive finished products are likewise dissatisfied with their earnings.

[20 Dec p 3]

[Text]

#### The Future as We Imagine It and as We Would Like It To Be

What are your plans concerning your own business?	
I shall invest money to expand my present business	55.6%
I shall start something new	28.1%
I shall stay as I am	22.7%
I shall terminate my business	5%

This breakdown indicates that more than one-half of private businessmen are, in the final account, satisfied with their own businesses and link their futures to their development. If we accept the maxim "Business creates business, and money creates money," the plans of this almost 56 percent confirm the maxim. More than one-quarter of the respondents would like to start a new business. About one-fifth would like to stay where they are. Obviously, they have not been tempted by the

dialectic that a static position is impossible: One either advances or retreats. It is an optimistic fact that only 5 percent of the respondents have the intention of terminating their businesses. At the same time, I would like to point out that this result disagrees with recent claims to the effect that 20 percent of private firms close down.

It is indicative that 76 percent of the businessmen who would like to expand their current businesses do not wish to start new activities. However, the remaining 24 percent would like to do precisely that and aspire both to expand their current businesses and start new activities.

No more than 5.7 percent of those who would like to remain as they are state that, at the same time, they would like to start something new.

Views on the future of their own businesses depend, in an interesting way, on the desired objects of activities of the respective firms (the object of activities of an "ideal" firm). Among the businessmen who have plans for expanding their present businesses, the highest is the share of those whose firms will work in the areas of production, trade, and services (26 percent); the lowest is among firm owners whose activities will be in industry and services (5 percent). The remaining companies, whose owners intend to expand their present businesses, show a relatively equal breakdown (purely production, purely trade, dealing exclusively with services, production + trade, trade + services: between 12 and 16 percent).

A similar breakdown is found among owners who would like to initiate new activities. They consider as most promising dealing simultaneously in production, trade, and services (41.4 percent) and as most unpromising dealing simply with production, production and services, and production and trade.

The orientation of the private businessmen who are unwilling to change their present status indicates that the most satisfied are those for whom an ideal firm would be operating exclusively in services (27.4 percent), followed by production + trade + services (18.4 percent), trade (15.7 percent), and so forth.

Plans for the expansion of their own businesses are in correlation with the wishes of initiative-minded Bulgarians to prove themselves, to realize their own ideas. In the case of 73 percent of private businessmen who would like to invest money in the expansion of their present businesses, the possibility of self-assertion and realization of their own ideas is a major reason for their going into business. In the case of 18 percent of this group of initiative-minded Bulgarians, the reason "self-expression" is important, but not all that much. In the case of some 9 percent of them, this reason had virtually no effect.

(To be continued)

**Meciar Sees Possible Agreement on State Treaty**  
*92CH0314A Bratislava NARODNA OBRODA in Slovak*  
*24 Jan 92 p 3*

[Interview with Vladimir Meciar, chairman of Movement for a Democratic Slovakia, by Dana Mestekova and Igor Rosenberger in Bonn, Germany; date not given: "Waiting for a Political Mistake"]

[Text] Yesterday we published one response from the interview which the chairman of HZDS [Movement For a Democratic Slovakia], Vladimir Meciar, gave during his visit to Germany with the editor of the Czech-Slovak editorial board of Deutschlandfunk in Kolin, Dana Mestekova, and Igor Rosenberger. Today we bring you further interesting thoughts from that interview which our colleagues have prepared for us.

[NARODNA OBRODA] Germany consists of federated countries and this can also be the model for the organization of the Czech-Slovak State in the future. Does this possibility come under consideration for you?

[Meciar] There have been quite a few proposals, especially on the Czech side, which presume the creation of a federated organization in Czech-Slovakia. For Slovakia, this is not a solution. Slovakia is already a republic and a republic is a higher level of organization than a federated country. We must take into consideration that the CSFR is a dual-nation state, that the Slovaks are thus a nation and the Slovak Republic is their state form, so that a federated organization which is typical for German and Austria in essence presumes that there is one nation here and respects the regional differences. For us, it is a matter of the right of self-determination of a nation. A federated organization is possible within the Czech Republic in its relationships with Moravia and Silesia. But in relation to Slovakia, no one in Slovakia considers it acceptable. The proposals which have been submitted for Slovakia in some cases to split into two federated countries are utopian and not political realism.

[NARODNA OBRODA] Does this mean, then, that in the future Slovakia must, should, or can separate from the Czech lands?

[Meciar] I will answer that question in this way: in 1990 I submitted a comprehensive proposal for an organization of Czech-Slovak relations within a federation. The proposal was not accepted and I was not accepted either. In 1991, when questions had been decided either-or, we said that it is still possible to live together in a voluntary union. We said that this union could be called a confederation or a federation with confederative elements or vice versa. Our movement still did not say that is wanted to create a separate Slovak independent state. Unfortunately, all our proposals, because they have been rejected, create a situation in which in now is not a matter of working out arrangements for Czech-Slovak relations, but of pressure on Slovakia for it to make a political mistake which would make possible the dissolution of this state. It is a matter of who will take the step

which causes the dissolution of the state. It will not only be the one who takes such a step, but also the one who provoked him to do it. My opinion of the present proposals in the Federal Assembly is very critical. If they were to be approved, the Slovak Republic would have fewer rights than it had under the communist constitution. And this is moving counter to everything that is taking place in Europe. We did not put the question of separation on the table, but rather that of emancipation with a certain degree of respect for the sovereignty of the state units.

[NARODNA OBRODA] Your visit to Germany is taking place at the invitation of the Friedrich Ebert Foundation, which is close to the Social Democratic Party of Germany. Does this also show your political orientation?

[Meciar] We are not an ideological movement. In the political spectrum in Slovakia, the Christian Democrats found partners in the Christian Democrats and the Christian Socialist Parties of the West, the right-wing parties and movements are looking for partners in the conservative parties, and we still have space to look for an orientation and assistance among the social democratic parties. Our movement has an important social program. For us, it is important to build up the democratic system of the state so that the social concept is not identified with the idea of socialism or communism, that is, in a hostile way. For us, it is important to respect the principles of social democratic systems and their political theories in order to put emphasis on them as a certain starting point for developments in the CSFR as well. Slovakia as an entity is taking final shape significantly differently than the Czech lands, which are headed rather toward conservatism and the right-wing parties. Slovakia is headed rather toward social democracy, to the center and slightly to the left. And this is where our movement fits in.

[NARODNA OBRODA] So any conflicts that occur between Bohemia, Moravia, and Slovakia would have not only a national, but also a political nature?

[Meciar] I would leave Moravia out of it because we have good relations with the Moravians. It is possible rather to predict that after the elections there will be two different political groupings formed which in Slovakia and in Bohemia will be based on different ideological principles and have different ideas about the program. Despite this, I think that a pragmatic agreement on cooperation is possible even with Mr. Klaus, and with anyone else whom the citizens of the Czech Republic recognize as suitable to represent them after the elections.

[NARODNA OBRODA] What do you think about the reservations that the Christian Socialist Union of Germany has about signing a German-Czechoslovak treaty?

[Meciar] That treaty is running into criticism on both sides. Rectifying relationships from the past is a very problematic matter and the Czech-Slovak representatives opened the question in a way that is not adequate



enough for the historical stage in which we now find ourselves. Mutual accusations about relations—whether economic, property, or any other—at a level which corresponds to the status of almost 50 years ago and opening up this problem today did not seem to me to be wise from the very beginning.

[NARODNA OBRODA] How do you stand on the charges about selling off the national property of the CSFR?

[Meciar] The degree to which privatization is accelerating does not allow for perfecting a philosophy of privatization—what remains in state hands, what will be handed over to domestic capital and what to foreign capital. We must create domestic capital. And just the fact that there is no patience with waiting for it to mature, handing it over or selling to foreign interests, leads at a enormous rate to undervaluation the value of our own fixed assets. With greater competition, the market price of some of our fixed assets could go higher. One of our problems is that there are no experts in Czecho-Slovakia who would know how to calculate the market price according to Western standards. I would not say that the republic is being sold off. I could only criticism some projects which are more or less disadvantageous. What is worse? To have foreign capital which comes in with a certain idea and with a certain initial lower evaluation and provides employment or not to have that capital, not to have the use of those funds, and not to have the employment? We choose the lesser of the two evils. We unfortunately did not give ourselves the time to develop our own mature capital-producing social strata. We liquidated the market space prematurely and opening the market without reciprocity from the West was a mistake.

#### Havel's Adviser on Future of Common State

92CH0327A Prague LIDOVE NOVINY in Czech  
30 Jan 92 pp 1, 3

[Interview with Pavel Tigrid, adviser to President Havel, by Jiri Hanak and Jaroslav Veis; place and date not given: "An Anecdote 10 Years Later"]

[Text] [LIDOVE NOVINY] Mr. Tigrid, 2.5 million citizens have signed the demand that a referendum be declared with regard to the constitutional arrangement. The Federal Assembly has ignored the will of 2.5 million voters. We have lost. What next?

[Tigrid] I do not like to hear that we, the citizens, have lost. We have lost the battle, but that does not mean a lost war. And there will be a number of other battles in the war for the constitutional arrangement. Everything will come to light yet.

[LIDOVE NOVINY] And will there be time to make any change prior to the elections?

[Tigrid] I think not. I would say that, in the final analysis, it is good that the Federal Assembly actually

rejected all constitutional proposals made by the president plus the proposal for an election law which is not constitutional. If anything is to be rejected, then everything should be rejected, because then it is clear as to what happened. The head of state, with respect to whom no one can suspect that the fate of a common state is not close to his heart, did what was possible. The president consulted the political parties and the most varied political bodies 13 times between the Vikarka and the Hradecek meetings, and many more times elsewhere. When historians will be writing the history of Czechoslovak parliamentarianism after November 1989, I believe that they will draw the appropriate conclusions from these events.

[LIDOVE NOVINY] Did not the president, after all, make some kind of error in preparing his proposals? How do you explain the conduct of the parliament?

[Tigrid] Everywhere in the world where there are functioning parliamentary democracies there is always a certain tension between the legislative and the executive branches. This has always been the case. Whenever Mr. Mitterrand brings something before the French Parliament, the delegates already raise their hands in rejection, wondering what it is that our president will want now, wondering if he has come to manipulate us, etc. This is also quite normal, except in the case of the proposals made by President Havel they did not involve trivial matters, but laws for the long term. It would seem that no matter what the president proposed, it would be blocked one way or another. Perhaps this is because it is preelection time, perhaps it is attributable to the short period of time which has passed since November 1989. In brief, it would seem as though parliament said to itself: Why is the executive encroaching upon our sovereign waters? If we permit it once, who knows where the end will be? But there is likely to be more. Simply stated, there is a block there and not even a mouse can get through.

[LIDOVE NOVINY] What do you believe was the reason why not the opposition, but rather the government parties, with the exception of the ODA [Civic Democratic Alliance], "killed" the president's proposal for ratification of the future Constitution by the national councils?

[Tigrid] You would have to ask the delegates of these parties that question. When I found out how individuals voted, I really was goggle-eyed. It looked unbelievable. Someone explained the mass absence during the voting as having urological causes. Even members of the government avoided the vote and, thus, actually cast a negative vote. When I asked one minister why he was not there, he told me he had a meeting with the Danish ambassador. That is discouraging. For those of us who lived many long years in the West, such an explanation is downright unintelligible. If something similar occurred in France, such a minister would simply no longer be the minister.

[LIDOVE NOVINY] According to all signals which common sense is sending out, the Federal Assembly should have a vital interest in participating in solving the constitutional arrangement. And rejection of the proposal to ratify the Constitution at the national council level has caused these proceedings to become a political stalemate.

[Tigrid] The simple citizen cannot understand this. I admit that if you examined me the same way I was examined at the time of my academic examination I would fail. In regard to certain points, I do not understand it, I do not comprehend how it functions. It is a function of the three parliaments and, to make matters worse, there is the prohibition of a simple majority vote.... Where in the world does something similar exist? I would simply flunk. Let alone a citizen who says to himself, Leave me alone, I understand nothing and if I don't understand anything then perhaps I won't even go to vote. That danger exists. I believe that people will go to vote, but that they will go in spite of their experiences which they have acquired in recent months involving the three parliaments.

[LIDOVE NOVINY] So that we again have the old division of "them" and "us"?

[Tigrid] I would not include the president in the "them" categorization. The most recent public opinion poll which we received on Sunday at Lany [official presidential country residence] shows that 87 percent of the respondents in the Czech Lands and 63 percent of the respondents in Slovakia hold the president in esteem and believe him because of his nonpartisan nature. This is a large percentage and a big investment in the future. However, the president is entering a difficult period. As you know, all over the world in preelection campaigns, all parties accuse the head of state of siding with someone. In such a situation, it is enough for the president, say, to attend an exposition and right away there is wild speculation: What did he do there? With whom did he speak and why?

[LIDOVE NOVINY] We frequently hear the warning words that the possible disintegration of our country could threaten the development of democratic trends, even in our neighbor countries. In contrast, we also hear it said that nothing quite so serious would happen, the world would take cognizance of the fact and would carry on business as usual.

[Tigrid] I would be more likely to agree with the second thesis. But that is not important. What is substantively important is the fact that the disintegration of the state called Czechoslovakia, whether by constitutional or unconstitutional means, would be a flagrant act of recklessness, this state continues to have a good quality rating in the world, this has persisted since the time of Masaryk, and Havel has added a lot to it. Throughout the world, we are regarded as a civilized country where nothing terrible is happening, no wild strikes, no fascist excesses, and Havel is perceived as a guarantor of order

and of development in a desirable direction. This is so because they know that he would not permit anything to occur which would conflict with this perception, or he would leave. However, let me return again to the possible disintegration. The constitutional method or the unconstitutional method—it would be bad, not good, reckless, but it would be no tragedy. That is why 5-10 years from now it will be an anecdote. There will be a Europe and it will include Czechs, Moravians, Slovaks, and our grandsons or even our sons will be wondering what it was that we actually argued about and they will think it to be unbelievable.

[LIDOVE NOVINY] Some time ago, President Havel announced that if this state were to disintegrate, he would not assist it in doing so, and that he would leave office. We are convinced that if he did so it would be a mistake. Has the president's decision changed since that time?

[Tigrid] You would have to ask the president's spokesman that question. If I understand correctly, Vaclav Havel is contemplating all of this. Before he decides whether or not he will be a candidate, he must weigh many pros and cons. The outcome of the elections will also play a role in this. I feel that he has 40 days between the outcome of the parliamentary elections and appointing a new prime minister. And, in my opinion, that will be the moment he will make the decision. I do not know any more.

[LIDOVE NOVINY] What do you say about the preelection preparations?

[Tigrid] A coalition fever has gripped the smaller parties. This is normal, particularly if the election system will be the way it will be. It is quite another thing, and this will probably surprise you coming from an old non-Socialist, that, for the present, I miss the traditional social democracy such as we know it in West Europe. I miss it because it is inordinately important for two strong parties to exist, one to the right of center and one to the left of center, such as is the case in the existing structured democracies. For the present, it looks like this force will exist to the right of center, the ODS [Civic Democratic Party] is showing all indications of emerging from the elections with sufficient strength; however, to the left of center there is a lack of balance and alternative. The Social Democrats continue to dissolve in numerous disputes. These will pass, but, I hope, this will happen as soon as possible. If this does not succeed immediately, then it should occur at least by the time of subsequent elections—that would be a great plus for this country.

[LIDOVE NOVINY] In conclusion, a question which cannot be lacking today. The growing fear of Germany in our country. Is it justified or is this a generational matter?

[Tigrid] I lived for a long time in the former West Germany; I know it from the time of its absolute ruin until the time of the subsequent economic miracle. You are right, the fear of Germany is a generational matter. If

I am joined by some German oldster and if he should, moreover, be wearing that well-known kind of hat and attempt to initiate a conversation, I will respond politely, but I will try to leave as soon as possible because I find it repulsive to sit and gossip with someone who "might perhaps." However, I have a totally different feeling, say, with a 30-year-old man. And it is the same with the Sudeten Germans. They are living in the past and it is only a question of time before this "problem" simply ceases to exist. Already today, it is a complete nonevent and if you see, at various gatherings, how they force their sons or their grandsons to dance their traditional dances, then it is really awkward. They do not know how and do not want to, but the father or grandfather has so ordered.... But I digress. As long as people like Kohl or Genscher are in power in Germany—simply liberals—then absolutely no danger threatens. And there is nothing to indicate that some kind of fundamental change is expected to take place there. Simply, danger of the type with which we are familiar from out of the past or the type which represents the traditional fear of Germans by Czechs does not exist for the next 50 years. Quite another situation exists in the economic sphere. After unification, Germany is embarking upon big-time politics, there is no argument about that. It is our neighbor, it is big, it is the most powerful of our neighbors, and the richest of our neighbors. And here it will be playing first violin, that is just the way it is. It will not be the Japanese, who are essentially not interested in us, nor the French, who somehow do not know how to sell themselves in our country. And, what is more, in this country there are still a lot of people who speak German. For example, directors of factories were doing business with the Germans even under communism—it is simply customary. And then there are the Germans: (And I am now saying it with a big broad smile on my face) they seem to belong here, sort of, they are nearby, have always been here, and that also plays a part.

### **Slovaks Favor Dualistic Setup, Writer Claims**

92CH0312B Bratislava NARODNA OBRODA in Slovak  
21 Jan 92 p 3

[Commentary by Julius Gembicky: "Unitarianism Versus Dualism"]

[Text] After the second Prague meeting of the representatives of the SNR [Slovak National Council] and the CNR [Czech National Council] on a treaty between the two republics, even the eternal optimist F. Miklosko obviously definitely understood that the negotiations had entered a blind alley. And that despite the efforts on the part of the Slovaks to meet their Czech partners halfway, they consider them to be only illusionary movement in the search for a model of a state legal organization which is acceptable to both parties.

And despite the complexity of the legal terminology which obscures the actual substance of the disagreement for the average citizen, it is a matter of two concepts. A unitarian one which defends the existing form of the

federation equates the Czech concept with the federal one and does not allow for any variation in the treaty between the republics which could lead to exceeding the constitutional status.

A spokesman for this concept, J. Kalvoda (ODA) [Civic Democratic Alliance], emphasized his unchanged opinion that, according to the current constitution, the national councils have a right of legislative initiative only toward the FZ [Federal Assembly]. In no case do they have a constitutional legitimacy to conclude a treaty. The republics do not even have that right. If that possibility were even admitted, it would in fact confirm the state of sovereignty and the competence of both republics to conclude a state treaty between themselves. And, according to him, that contradicts "our" constitutional principle.

On Thursday, at the 21st joint session of the two houses of the Federal Assembly, they will obviously probably receive a proposal for updating the constitutional law of the Czechoslovak federation. One of the versions, which the ODA is submitting, proposes approving through the deputies a single-chambered house of parliament and a senate among the agencies of the joint state. In this house of parliament there would no longer be applied the present principle of parity and prohibition of a majority rule. In substance, it would not only prevent the approval of legislative standards directed at building a joint state from below, but moreover would bypass those who would, in the case of an eventual legal heir to the federation, establish a republic here which would be administered "constitutionally." The Slovak Republic claims that the equal justification of its own position, dualism, would be easily disherited from the law. The opposition Slovak parties and KDH [Christian Democratic Movement] deputies in the FZ obviously are blocking these proposals because of this opinion.

The dualistic concept which is the basis of two versions of the proposal for a Constitution of the Slovak Republic is obviously the most acceptable one for the populace and the majority of the political entities of the SR as well. It preserves the joint state, but also the equal positions of the republics. The Christian Democrats are speaking out for a third variation of the proposal for a Constitution of the Slovak Republic, that is, the presidential alternative. After approval in the SNR (this will obviously take place at the March session), it will be submitted to a referendum of the citizens of the SR along with the elections to the legislative bodies.

There is a threat, however, that some of its provisions could come into conflict with the current federal constitution. But even despite the fact that the Czech and federal representatives might fault it as being of inadequate legitimacy, this argument would hardly hold up in the eyes of the world because it would have been approved in a referendum by the citizens of the SR. But such unilateral radical steps by one or the other side could have far-reaching consequences. This should also be remembered by those who in the next few days will be

going through parallel state legal slaloms in Prague or Bratislava. A confrontation of thoughts or arguments is made of iron, but there is disqualification for missing just one gate in the slalom.

### **Social Democrats Seen Catalysts of Left Movement**

92CH0312A Bratislava NARODNA OBRODA in Slovak  
20 Jan 92 p 3

[Article by Igor Cibula: "The Fusion of Social Democratic Thinking"]

[Text] Spokesmen of the left in Slovakia are increasing, convinced that the current inevitable development of society in the direction of the right must be utilized in an effort to unify all the social democratic tendencies which appear in a number of parties and political movements. At the same time, however, it should not be a matter of countering the growing right-wing populism with leftist demagoguery. Professional politicians above all should understand that all functioning European democracies depend on an effective pluralism which excludes the possibility of extreme developments which usually destabilize society and hold back the processes of natural changes.

Several political parties in Slovakia of similar orientation could get closer to the platform of social democratic thinking, even though they are presently prevented from doing this by their mutual ideological prejudices. If potential voters would more closely read the programs of the Social Democratic Party of Slovakia, the Democratic Leftist Party, or even the Green Party, they would certainly find a sympathetic agreement and even a similarity in the basic philosophy of these programs. And it is just this fact that could lead their representatives to agree to the creation of some kind of social democratic bloc which would jointly go after the voters in the next parliamentary elections.

In the opinions of some observers, such a bloc could get at least one-fifth of the votes in Slovakia, which would represent a solid opposition to the right-wing nationalists if they are present in the governmental politics. But if this social democratic opposition is to be at all influential, it would have to remember that "the effort of political parties arising from an agreement on national and state interests must prevail if we want to solve the serious problems of the future development of the world." The thought quoted is by Rome Club members Alexander King and Bertrand Schneider who, in their book *The First Global Revolution* call for building a system of consensus and criticize the artificial incitement of party rivalry.

These circumstances require an appeal to the Slovak social democrats because it depends particularly on them as to whether they can, together with the Democratic Leftist Party, create a basis for an election alliance representing a not insignificant part of the Slovak left. In such a case, it is also possible that they could recruit

Alexandr Dubcek for their party, as he has never hidden his social democratic thinking and therefore his name as a social democratic candidate would be a logical culmination of his political fate. It is not a matter, however, of only the present chairman of the federal parliament and his indisputable moral authority, but of everyone who has worked his way to his social democratic convictions through equally bitter life experiences.

### **Mlynar on Rightist Policies, Nationalism**

92CH0306A Bratislava NOVE SLOVO  
in Slovak 6, 13 Jan 92

[Interview in two installments with Zdenek Mlynar, expatriate and former Communist Party leader, by Marian Lesko; place and date of interview not given: "It Is Done Like Theater"]

[6 Jan pp 6-7]

[Text] If someone were to attempt to introduce Zdenek Mlynar, he would commit two offenses at once against proper conduct—he would insult both him and the reader. Indeed, everyone who has read the book *The Freeze Came From the Kremlin* knows very well with whom we will be speaking. He can equally well guess with what the interview will deal, which is matters with which both politicians and citizens are concerned, but which are rarely considered in public.

[Lesko] Professor, you wrote that two years after the collapse of the totalitarian systems we know definitely what has ended, but we do not know at all what was started by it. It is only with great effort that we can orient ourselves in the mixture of what has reached the end of its life and what is being newly born. What can be perceived in this chaos with, so to speak, the naked eye?

[Mlynar] Mainly the fact that after two years a lot has changed here, and not just here. The collapse of the pre-November system was certainly a victory, but together with it we have here a pile of old and many new problems which are difficult to solve. In place of the enthusiasm and celebrations, we already have disillusionment and criticism, sometimes even protest demonstrations, simply a new everyday life. It seems, however, to the radicals from the time of the overthrow that this is insignificance, half-measures, and delays and they therefore think that the times call for a new revolutionary wave, a second revolution. But calls for this second revolution also come from the camp of those defeated. For example, M. Stepan at the KSCM [Communist Party of Bohemia and Moravia] conference hopes that people will again "ring their keys," but this time for the return of communism. Both calls indicate that the crisis state of government policies up to this time is intensifying.

[Lesko] It is not entirely clear to me what you mean by "government policies."

[Mlynar] I use this term to designate not only the policies of the governments, but also those of the Castle and the

main political forces in the country, that is, the heirs of Civic Forum. It must be said that they have achieved at least two goals which the majority of society accepts. They have thrown off the chains by which the republic was joined by force to the fate of the USSR and thus they opened the doors to the West, from where since time immemorial the decisive stimuli for our civilizing development have come. And moreover, the government policies not only removed the Czechoslovak Communist Party from power, but also decimated it as a political force. As long as the people are afraid that the past could come back, the government policy also will have an assurance of their support. It therefore forcefeeds that fear and it feeds it because they are unable to gain the trust of the people as far as the present and the future are concerned.

[Lesko] You spoke of the crisis aspects of this policy. I would be interested in what you consider to be the basic reason for this state of crisis. Is it the consequence of people's failures or the conception of politics?

[Mlynar] Obviously it is possible to judge those bearing the individual specific signs of crisis with the deserved criticism as well, but it is necessary above all to look for the general, common reason for the state of crisis. That is, a state where policies due to their own mistakes do not achieve the majority of the goals which it has set for itself. The failures of government policy are mainly the failures of politics understood and functioning as theater. Politics is, of course, also in its own way a drama and it is possible to "stage" it to a certain degree. It is always also a matter with it of what actors, at what moment, and in what scenery the key scenes are being played out. But in contrast to the theater, neither the author nor the director of a political play can determine beforehand the behavior of all the actors nor can they decide whether the play ends happily or tragically. And they also cannot force the majority of the people to sit quietly in the audience and not to interject comments into the events on the stage. When politics takes place like the theater, then the importance of emotions grows and the material relevance in it is lost. Symbols become more important than analysis of the actual problems and the interests of the people.

[Lesko] Perhaps it would be good if you could give some illustrations from our brief post-November history.

[Mlynar] As we well remember, immediately after November there were steps taken one after the other from which it should have been obvious that from that moment on everything would be different and nothing from the past would be valid any longer. Everything changed, from the name of the country and its coat of arms through new names for institutions and streets to orders and decorations. The symbology from 40 years ago has been revived, new uniforms have been proposed, the prince has become a chancellor; the government policies lived off such symbols for many months. Finally, even the elections themselves were mainly a symbol, a symbol of our freedom, and represented a goal and not a

political means which was supposed to solve some social problems. Here I would like to point out that this policy of symbols had undesired and undesirable consequences. Because it started with a change in the name of the republic and its coat of arms, the serious problem of Czech-Slovak relationships came to the forefront not as a group of material and rationally evaluated economic and political questions, but as an "argument over a hyphen," that is, as an explosion of nationalistic emotions. Or another example: Because the OF [Civic Forum] went into the elections as a political symbol which is not for the members of any party, but rather "for everyone," and at the same time there was supposed to be a plurality built up in the parliamentary system, the breakup of the OF then also had a negative impact on the parliamentary democracy being formed. The symbolic return to the time of half a century ago prepared the ground for the so-called restitution law which ranked the "return back" above the economic program of the government.

[Lesko] You mentioned that you include the Castle in the concept of "government policies." I will ask you directly—what role does the president play here?

[Mlynar] I do not wish to underrate in the slightest his very positive role as an integrating factor nor his accomplishments in moderating some of the extremist tendencies, but one cannot say that he would, in this connection, be some kind of impartial judge standing high above the originators of the strife and crises. Politics, understood and performed as theater, is his main business, after all. So, if he should have the credit when policies have succeeded, then he cannot avoid the responsibility for unwanted, but unavoidable consequences of the policies carried out in this way. It is not possible to see in him a person who has no part and no shared responsibility for the current state of affairs.

[Lesko] A recently published public opinion poll shows that of the overall activities by the government, the population most values the results of our foreign policy actions. How do you rate it?

[Mlynar] It has already become almost our national tradition for us to add international significance to speeches about the fact that we are the "heart of Europe." This is not true either geographically or politically. This myth at the most calls forth indulgent laughter in today's Europe. The other way in which we are used to compensating for the feeling of international insignificance consists of the attempt to attach ourselves to someone important and powerful. We say that this has a long tradition, so we do not want our politics to reproach something which has long been here before it. But I must emphasize that the foreign policy of those newly in power has been so far concentrated on how to switch from one side to the other as rapidly and advantageously as possible, from the Soviet embrace to the American embrace.

[Lesko] A while back you wrote a sentence saying that our foreign policy should not be based on the idea that the end of the "cold war" is a victory for Radio Free Europe over the Ideology Department of the Communist Party Central Committee. I have to admit that I did not totally understand this....

[Mlynar] I think that after being freed from the Soviet bloc we have a unique historical chance for an independent state and national development. I therefore do not consider it to be the best possible policy for us to speed up artificially our integration into whatever bloc grouping. If it is a matter for us of overcoming isolation, of "entering Europe," then this can be achieved within a regional structure. The isolation of millions of inhabitants is not overcome by people visiting various countries through their elected representatives. It is overcome when the people from Brno, Bratislava, or Vienna can move about completely freely from one town to another, when they do not consider each other to be "foreigners." In my opinion, this would in practice push to the background the view that our mission is to reinforce the "free West" against the "threat from the East." The government's foreign policy should beforehand consider the various alternatives and decide which of them best satisfies our national and state interests. Without unnecessary megalomania, as the small European countries like Denmark or Austria consider their own foreign policies. Of course, we have to keep track of developments in the East much more closely. We should not behave like a small boy who has got out of the reach of the teacher's cane and now is gleefully sneaking through the fence into his garden. Just as the USSR collapsed catastrophically in a series of uncontrolled nationalistic and social conflicts, so the consequences of this catastrophe will not pass us by either.

[13 Jan pp 6-7]

[Text] [Lesko] When your former university colleague and friend entered higher politics six years ago with the slogan of "perestroyka," probably not even he guessed that political activity in his own country would one day remove him from the office of general secretary. Why did this have to happen?

[Mlynar] I see the answer in the fact that he did not succeed in his original intention of changing the party from an instrument of total power to an organization which was capable of operating in a democratic political system. The policy of "perestroyka" presumed that the party would begin gradually to perform a completely different function in society than before. But in order for something like this to take place even theoretically, the changes in the party would have had to take place more rapidly than those in society. This is exactly what Gorbachev was unable to achieve. Despite all the changes, and there were a lot of them, the communist party still behaved according to its old habits. It was, after all, not only a product of, but also the support for a system of totalitarian control over society. Its main mission as a

power apparatus was to concentrate absolute and uncontrolled power and to exercise it over society. The policy of "perestroyka" suddenly demanded just the opposite and the CPSU was not capable of that. After the August coup, developments actually reached their peak in the sense that a noncapitalist, but at the same time undemocratic and totalitarian organized society could no longer put itself forward as a socialist.

[Lesko] Real socialism collapsed then. I want to ask, do you have any basic comments on the fact that the political right wing wants to "introduce capitalism" here?

[Mlynar] God forbid. What the right wing wants—as you say, to "introduce capitalism"—is in and of itself nothing that would contradict the needs of this society. It is another matter that no one properly knows anything about the conflicts and difficulties of the development of the modern West as a result of 40 years of isolation. The same social levels which in the West are striving to limit and regulate the power of capital are looking forward here to the unlimited development of capitalist tendencies. However, we obviously cannot do anything about this in the foreseeable future. History also clearly shows us that it is not the theoretical concepts of Karl Marx and Milton Friedman which decide on whether the left or the right prevails in society. The actual life experiences of people, or the absence of just such experiences, decide on this. After the fall of "real socialism," society needs the political right. The danger starts when it attempts to "cancel" the last 40 years of development out of history or when it tries to exclude the left from our political life. No one has prevented the right wing from rejoicing in the fact that the pendulum effect is carrying them up; they should just not try to stop the pendulum at its peak point. And by far the best would be if they do not forget that inevitably after some time there will be a movement of the pendulum in the opposite direction.

[Lesko] As far as I know, you hold the view that democracy without the left wing is generally not possible and definitely not here. If no one brings the left into existence, many people are asking what good is it to anyone here?

[Mlynar] Certainly, I have also more than once thought to myself that the social interests of the people are best secured by a liberal economic policy, since only that brings general prosperity. That is a reflection of the logic which we still remember well from the statement that we do not need any opposition since our party expresses the interests of everyone! At the beginning of the 1950's, it was said that society does not need any public defenders since the public prosecutors and the courts take care of the law and the interests of the working people. An end to the leftist illusion should not justify anyone succumbing in the wake of this to a new illusion, this time a rightist one.

[Lesko] Professor, we know that you, as one of the few influential politicians, raise the question of how to

protect the left and democracy from the potential power of the "heirs" of the Communist Party. Is protection even possible and is it even, in the favorite word of the president, rational?

[Mlynar] For many years, the Communist Party developed here as the source, guarantee, and instrument of the totalitarian dictatorship. Therefore, the worst human types were concentrated in it—careerists, corrupt people, and even actual criminals. But nonetheless, no organization could govern for more than 40 years without acquiring the experience and habits essential for management and, of course, those who acquired them, hard-working and qualified people who surpassed the totalitarianism. When we speak of saving the "heirs," we have in mind just this positive element of the former and current political potential. When you ask whether it is possible to protect it, you certainly know that I consider the process of forming a party of the "heirs" of the former KSS [Communist Party of Slovakia], that is the Party of the Democratic Left, to be very hopeful. It is much more complicated with the KSCM. Its mistake is a willingness to look upon itself through others' eyes and to reach the inescapable conclusion from this perspective that it is necessary to break totally with the "children of the totalitarian power," both ideologically and organizationally. It is a force born of totalitarianism which deliberately stands outside the platform of the democratic civic society and which lives with the thought of political revanche. This movement is not completely determined by generation since, although many old communists do not belong to it, many young ones do. It is not very important what slogans they put forth today, since they are really just a political offshoot. They cannot be part of the left.

[Lesko] Obviously there have always been and always will be people about whom one can say that they have forgotten nothing and learned nothing. Together with Egon Bond, you recently pointed out one more "bitter fruit from the tree of historical forgetfulness...."

[Mlynar] Yes. A new social climate has appeared here almost overnight. No small portion of the Czech population considers a feeling of national identity to be a given and behaves quite indifferently toward the question of whether we will preserve our national identity in the next century. Lately the impression has been formed, moreover, that the main problem of the Czechs and Slovaks is their mutual relationships, arguments, and aversions. But from history we know that the existence

of our two nations has never been threatened by their mutual relations, but by foreign hegemony, whether German, Hungarian, or Russian. Breaking up the republic would very dangerously strengthen the assimilation pressures on our two nations. There does not have to be anything done by means of force; simply economic and cultural conditions could put the grandchildren of our grandchildren back into the situation of our grandfathers and greatgrandfathers where identifying oneself as a Czech or Slovak will bring only many complications. National representatives who do not take this into consideration are not worthy of that title.

[Lesko] You thus believe that preserving the joint state is a basic national priority. The "nationality" oriented political forces in both parts of the republic see it otherwise....

[Mlynar] Czech nationalism increases the tensions and leads to a blind alley in its unwillingness to negotiate about the joint state without any prior conditions regarding Slovakia and Slovak nationalism, which declares its final goal to be an independent state. I think, however, that it is necessary to wipe out Czech nationalism in the Czech lands and Slovak nationalism in Slovakia, and not the opposite, as we have seen. The national philosophy of the Czechs should not become purchasing power and the Slovak bureaucracy's interest in taking part in international banquets should not be put forth as the higher interests of Slovakia.

[Lesko] Let us now return to the first questions of our conversation; we know what ended two years ago, but we by far do not clearly know what started at that time. Can we even "know" clearly?

[Mlynar] If someone says that nothing has changed in the last two years, that today we are living in just "another totalitarianism," then this is crude political demagoguery on his part. We are living in a time when further development can take place immediately in several directions; the possibilities are open here. Only in the political conflicts will it be decided which possibility will prevail. That is, whether the mechanisms and institutions which will resolve future social conflicts in a democratic manner, on the basis of debate and social consensus, are preserved and developed or whether developments bring about an authoritarian regime. The developmental possibilities are open in each case and which alternative wins depends on the many participants, that is, on us.



**1992 Collective Labor Contract Articles**

92BA0504A Bucharest ADEVARUL in Romanian  
23 Jan 92 pp 3-5

["Text" of Collective Labor Contract at National Level]

[Text]

**Contracting Sides**

On the basis of Article 8, paragraph 3, and Article 20 of Law No. 13/1991 between

1. Employees, represented in compliance with Article 42 of Law No. 54/1991 by: the Confederation of Independent Trade Unions "Fratia" [Brotherhood], the National Trade Union Confederation "Cartel Alfa," the National Confederation of Free Trade Union of Romania, forming the National Consultative Council of Romanian Trade Unions, on the basis of the mandates issued and

2. Representatives of national-level management appointed by the Chamber of Commerce and Industry of Romania under authorization No. 223 of 3 December 1991; the following collective labor contract has been signed at the national level:

**CHAPTER I****General Provisions****Article 1**

The contracting sides, which negotiated this national collective labor contract as fully equal and free sides, pledge to observe its provisions.

**Article 2**

The provisions of the present collective labor contract is applicable to the branches, groups of enterprises, enterprises, and institutions, regardless of their form of organization, source of capital, method of financing (including the public budget), and the nature of their activity, in which any of the signatory confederations have trade union members.

**Article 3**

(1) In order to negotiate collective labor contracts at the level of branches and groups of enterprises, in keeping with Annex No. 1, the enterprises and institutions and the signatory trade union confederations [TUC's] are obligated to inform the management representatives in writing about affiliated trade union organizations that are subject to the provisions of the present collective labor contract at a national level.

(2) Failure by the signatory TUC's to observe the provisions of paragraph 1 will release the management from the consequences of delays in signing collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions.

**Article 4**

The main purpose of the present collective labor contract at national level is to establish minimum guaranteed rights for the employees and related obligations regarding:

- a) Signing, implementing, amending, suspending, and ending individual labor contracts;
- b) Labor conditions and protection;
- c) Salaries and other employee rights;
- d) Working schedule and time off;
- e) Certain special employee protection measures and providing employee facilities;
- f) Professional training;
- g) The rights of the trade unions as organizations and as representatives of the employees.

**Article 5**

- (1) Any request for changes in the present contract is subject to negotiations.
- (2) Any request for changes will be communicated in writing to the other side.
- (3) The negotiations on changes may not begin later than 15 working days from the date of communication, nor earlier than 48 hours from that date.
- (4) Requests for changes will be filed by management representatives with one of the signatory TUC's, and those of the TUC's with the Romanian Chamber of Commerce and Industry.
- (5) During the period between the filing of the request for change, plus 10 days from the beginning of negotiations according to paragraph 3, the management pledges not to terminate labor contracts for reasons related to the changes proposed in the present contract that are not imputable to the employees.

**Article 6**

The changes made in the contract will be as binding as the contract as of the date of their registration.

**Article 7**

The contract may be suspended and ended in compliance with the law.

**Article 8**

- (1) The contract clauses will be interpreted by consensus.
- (2) If a consensus is not reached, clauses will be interpreted in keeping with the rules of common law; if doubts persist even after that, they will be interpreted in the sense more favorable to the employees.



**Article 9**

(1) Collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions may not contain rights that fall below the level of the limits established in the present national collective labor contract.

(2) The provisions of the present collective labor contract will serve as the basis for successively signing collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions.

**Article 10**

(1) The employers are obligated to ensure that the present national collective labor contract is posted in the enterprises at the sites decided by the trade union organizations so that the employees can become familiar with its contents.

(2) Additional conditions regarding familiarity with the provisions of the collective labor contract will be established in keeping with the provisions of Chapter VIII.

**Article 11**

Upon signing individual labor contracts, employees who were not represented when the present national collective labor contract was negotiated may join in its implementation if they have made a declaration, as stipulated in Annex No. 2, and filed it with trade unions affiliated with the signatory TUC.

**Article 12**

(1) The sides agree to form a mixed commission for the purpose of amicably settling any conflicts that may appear in the implementation, amendment, suspension, or ending of the national collective labor contract.

(2) The makeup, organization, and operation of the mixed commission will be set in keeping with the regulations contained in Annex No. 3 to the present contract.

**Article 13**

(1) Following the procedure stipulated in Article 12 does not constitute an impediment to appealing to the competent court in keeping with the law.

(2) If the mixed commission has passed a decision in keeping with the conditions featured in Annex No. 3, no court action may be instituted, and if it has been instituted, the case will be closed.

**Article 14**

Representatives of the management and of the signatory TUC may monitor at enterprises and institutions the observation of the employees' rights and obligations stipulated in the national collective labor contract.

**Article 15**

(1) The employees' rights stipulated in the present collective labor contract may not serve as a reason to curtail other collective or individual rights previously recognized.

(2) If previous settlements or agreements stipulated more extensive rights for the employees, those settlements or agreements will be implemented, unless the law expressly stipulates otherwise.

(3) In situations in which more favorable legal regulations arise regarding the rights devolving from the present collective labor contract, the latter will be legally viewed as part of the contract.

**Article 16**

During the period of implementation of the present collective labor contract the sides pledge not to promote and support draft bills apt to curtail the rights stemming from collective labor contracts signed at any level.

**Article 17**

(1) The present collective labor contract is signed for a period of one year.

(2) At least 60 days before the expiration of the term for which it was signed, the sides will agree to either extend the validity of the contract or to renegotiate its clauses.

**CHAPTER II**

**Signing, Implementing, Amending, Suspending, and Ending Individual Labor Contracts**

**Article 18**

In order to determine the employees' specific rights and obligations, employees will be hired on the basis of individual labor contracts.

**Article 19**

(1) For the purpose of establishing the rights stemming from the individual labor contract, the employees of enterprises and institutions will be classified in accordance with the nature of the enterprise, the job, and position requirements, as follows:

**A. Workers**

1. Unskilled
2. Skilled

**B. Management and performance positions**

1. Jobs involving performance

a) jobs requiring high school or more advanced education

—for administrative positions (typists, clerks, etc.)

—for specialized work (technicians, accountants, etc.)

b) foremen

c) graduates of subengineering or similar schools

d) college graduates.

2. Supervisory positions in operations, production, research, design, and other similar departments (head of a service, office, section, laboratory, etc.)

3. Company managerial positions (director general, director, chief engineer, chief accountant, etc.).

(2) Institutions fully funded from the national public budget will use the classification envisaged in legal regulations.

#### Article 20

(1) Individual labor contracts will be signed on the basis of the conditions established by law, in compliance with the basic rights of the citizens, and solely on the basis of professional aptitudes and competence.

(2) The management pledges to inform the employees of vacant positions and the conditions for filling them.

(3) If tests are required to fill a given position, and if an employee and a person from outside the enterprise obtain the same results, the employee will have priority.

The provisions of Articles 1-3 are also applicable to the employees of budget institutions, with the exception of cases in which collective labor contracts, signed at other levels, established other criteria, which will have priority.

#### Article 21

(1) Individual labor contracts are signed for an unspecified period of time.

(2) Individual labor contracts may also be signed for a specific period of time in the situations and manner expressly stipulated by the law.

(3) Individual labor contracts will feature at the least the clauses stipulated in the model given in Annex. No. 4.

(4) Individual labor contracts will be concluded in writing, one copy for each side; the employer will be responsible for the contract signing.

#### Article 22

(1) The individual labor contract may be amended regarding the nature of the work, the site of the job, and salary rights only with the agreement of the sides, or at the initiative of one of the sides in the cases stipulated by law.

(2) An employee's refusal to accept a change in the clauses regarding the nature of the work, the location of

the job, or salary rights does not authorize the employer to unilaterally end the individual labor contract for that reason.

(3) Employees may be dispatched or transferred on duty under conditions stipulated by the law and with the rights stipulated in the present contract.

#### Article 23

(1) The individual labor contract may be suspended by the sides regarding its effects by agreement or in the cases expressly stipulated by law.

(2) In exceptional cases, when the work is suspended for technical or other reasons, the employees will receive (...), provided they were not responsible for the work interruption and provided they remained on call for the enterprise throughout this time. Negotiations will be conducted at the level of the enterprise or institution to specifically determine how the provision of remaining on call is to be carried out: by physical presence at the enterprise awaiting the resumption of work, or by staying at home and waiting to be summoned by the enterprise.

(3) In the situations featured in paragraph 2, the employees will receive all the other rights stipulated by law for such situations.

#### Article 24

(1) The individual labor contract may be ended—in compliance with the law—in several ways:

a) By agreement between the sides;

b) At the initiative of one of the sides, in the legal conditions.

(2) In situations in which the enterprise is obligated by law to give notice of ending a labor contract, the term of the notice will be of (...). Longer notice periods may be established by negotiations at the level of branches, groups of enterprises, enterprises, and institutions.

(3) While on notice the employees are entitled to take four hours a day leave of absence from the work schedule for the purpose of seeking another job, with no repercussions on their salary and other rights. The leave of absence may also be taken by accumulation, for which the conditions will be decided by the employer.

(4) A person whose labor contract is ended without being given the notice stipulated in paragraph 2 is entitled to a compensation equal to (...).

#### Article 25

Individual labor contracts may not be ended by the employer if the law or the collective labor contract stipulates a ban on such procedure.

#### Article 26

(1) The sides agree that the employees will be compensated if the labor contract is ended at the initiative of the enterprise.

(2) The provisions of paragraph 1 are applicable when the labor contract was ended for the following reasons:

a) The enterprise is reorganizing and cutting down on personnel by eliminating positions such as the one filled by the employee in question;

b) The enterprise is ceasing operation and being dissolved;

c) The enterprise relocates and is in a position to hire personnel locally;

d) The enterprise moves and the employee in question refuses to relocate with it;

e) The employee in question is professionally unsuited for the job for which he was hired for reasons independent of him, and was not offered a transfer to a suitable job;

f) The employee who held the position before the person in question is rehired by a decision of the competent bodies.

### CHAPTER III

#### Working Conditions

#### Article 27

(1) The sides pledge to make the necessary efforts to institutionalize an organized system designed to continuously improve the working conditions.

(2) Until the objective stipulated in the previous paragraph has been attained, the collective labor contracts will stipulate procedures for mandatory consultations between trade union representatives and employers concerning any measures planned to be taken to improve working conditions.

(3) Upon establishing measures regarding working conditions, the sides involved will take into account the following basic principles:

a) The measures stipulated should primarily be aimed at genuinely improving the working conditions, and only if that is not possible at a given point, should money or other compensations be awarded;

b) The measures stipulated for improving working conditions should be achieved in conjunction with the trade union representatives, so that the latter can be consulted and informed about them, and special annexes to the collective labor contracts are to be signed.

#### Article 28

Organizing the work by establishing a functional organizational structure, assigning all the employees to positions with precise duties and responsibilities, establishing technically argued work norms, and supervising the employees in fulfilling their job duties are the exclusive duties of the employer.

#### Article 29

(1) The work and personnel norms in every case will be featured in special annexes to collective labor contracts at the level of enterprise and institution, and they are to be established with the participation of the trade unions, so as to be conducive to full utilization of the working time while averting excessive physical, intellectual, or nervous strain and exhaustion.

(2) Should the existing work or personnel norms not comply with the provisions of the previous paragraph, they are to be amended at the request of the management or the trade unions without thereby calling for a cut in employees' salaries.

#### Article 30

(1) Work duties are to be established within the boundaries of the nature of the job to which each employee obligated himself upon signing the individual labor contract.

(2) In order to preempt or eliminate the effects of disasters or other force majeure situations, and in situations dangerous to human life or health, each employee, regardless of his position or job, is obligated to carry out any work and to take all the measures required for the needs of the enterprise.

#### Article 31

The number of personnel will be established in keeping with the volume of work, the regular work schedule, and work norms, and with a view to not overburdening the employees with duties.

#### Article 32

(1) In every situation in which the work proceeds at a forced collective or individual pace, the work norms will include strength-restoring breaks.

(2) Where so required by the nature of the work, in order to permit genuine utilization of the strength-restoring breaks, the number of personnel will comprise an appropriate number of replacement employees.

#### Article 33

The trade unions are obligated to put forth all their observations concerning work norms and job duties.

**Article 34**

(1) Should differences appear concerning the work or personnel norms, a professional assessment can be requested by either of the sides, to be carried out by experts designated by both sides. The conclusions of the professional assessment are binding for both sides.

(2) The expenses incurred for settling differences concerning the modification of work or personnel norms will be borne by the management the first time the trade unions make a request.

**Article 35**

(1) Jobs are classified into normal jobs and jobs involving special conditions.

(2) Jobs involving special conditions are those that are difficult, dangerous, harmful, embarrassing, or other similar jobs and are stipulated in collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions.

**Article 36**

(1) Employees doing the kind of jobs mentioned in Article 35, paragraph 2 are entitled to increased base pay, shorter work schedules, resistance-building nutrition, free protection gear, hygiene-sanitary material, or additional leave, according to case and as stipulated in the collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions; the pension age may also be moved forward as provided by the law.

(2) The categories of employees mentioned in Article 35 (2) will undergo mandatory medical examinations carried out by a labor union medical doctor, under conditions that will be stipulated in the collective labor contract at the level of enterprise and institution, but no less frequently than once every three months.

**Article 37**

(1) Should the working conditions become normal, the employees will receive (...).

(2) The rights cited in paragraph 1 are also applicable to employees who change jobs for reasons not imputable to them, if similar rights at the new job are less favorable.

**Article 38**

Whenever the working conditions deteriorate to the point of requiring a new job classification, the employees will receive the rights stemming from the new classification as of the date when the working conditions changed, regardless of when the new classification was issued by the competent bodies.

**Article 39**

In addition to the provisions of the general national and departmental labor safety norms, which the sides will

view as minimal and obligatory, collective labor contracts at the level of branches, groups of enterprises, enterprises, or institutions will also feature supplementary implementation clauses.

**Article 40**

(1) The sides agree that no labor safety measure is effective unless it is known, accepted, and consciously implemented by the employees.

(2) The management will ensure, at its expense, the necessary organizational framework for training, testing, and providing advanced professional training for the employees regarding labor safety norms and instructions. The collective labor contract will feature specific measures, periodic inspections, monitoring methodology, obligations, and responsibilities in the area of labor safety, in compliance with the regulations established by the Labor Safety Department of the Ministry of Labor and Social Protection. The time earmarked for such activities will be included in the work schedule and will count toward the salary.

(3) When an employee is hired or when his job or the nature of his work changes, he will be instructed and effectively tested regarding the risks inherent in his new job and the labor safety norms that he is obligated to know and respect in his work.

(4) Should changes occur in the work requiring the implementation of new labor safety norms, the employees will be instructed in the conditions mentioned in the previous paragraph.

**Article 41**

(1) The cost of the (...) safety equipment will be borne entirely by the employer.

(2) Collective labor contracts at the level of enterprise or institution will set down the microenvironmental parameters to be pursued at every work place, with a view to taking specific labor safety measures, as well as programs to monitor the implementation of the measures established.

**Article 42**

(1) In order to preserve and improve working conditions on the job, the employers will take at least the following measures:

- a) Ergonomic outfitting of the work place;
- b) Ensure environmental conditions (light, microclimate, noise, vibrations, temperature, airing, humidity);
- c) Provide social facilities for the work places (changing rooms, rest rooms, sanitary facilities, common rooms, cafeterias);
- d) Reduce polluting emissions down to zero.

(2) Specific measures along the line of the provisions of paragraph 1 will be established in the collective labor contracts of enterprises and institutions.

(3) The employees are obligated to preserve the facilities provided by the employer in good condition, not to damage or dismantle them, and not to take away any of the component parts.

#### Article 43

(1) The management undertakes to organize free medical exams for the employees at the time of hiring, and subsequently at least once a year, for the purpose of determining whether they are fit to do the work for which they are hired or which they are doing, and in order to preempt professional ailments.

(2) The employees are obligated to take the medical exams in keeping with the provisions of paragraph 1.

(3) Should special legal provisions or collective labor contract provisions stipulate more frequent medical exams because of special conditions on the job, those provisions shall be implemented.

(4) An employee's refusal to take the medical exam as stipulated in paragraphs 1 and 3 constitutes a breach of discipline.

#### Article 44

At the request of one of the sides, labor union safety physicians and inspectors will be mandatorily consulted about reducing the work schedule and awarding additional leave.

#### Article 45

(1) The sides pledge to ensure special labor protection conditions for women and youth under 18 years of age, at least at the level of the specific rights regulated by the labor legislation and by the provisions of the present contract, which will be viewed as minimal.

(2) Additional specific rights or increments in the rights stipulated by labor legislation may be established under collective labor contracts at other levels.

#### Article 46

(1) The management pledges not to refuse to hire or keep in its employ handicapped persons if they are fit to carry out the job duties involved in available positions.

(2) The employees, represented by trade union organizations, will support the hiring and employment of handicapped persons under the conditions stipulated in the previous paragraph.

### CHAPTER IV

#### Pay and Other Salary Rights

##### Article 47

(1) For work carried out under the conditions stipulated in the individual labor contract, each employee is entitled to a salary, agreed upon at the signing of the labor contract, regardless of the nature of the enterprise in which he is employed.

(2) At enterprises which produce agricultural products the pay may also be in kind. The payment in nature established by negotiations at the enterprise level may not exceed 50 percent of the salary.

##### Article 50

(1) In order to pay salaries and implement the other rights stipulated in the present contract for the personnel of institutions funded from the national public budget, the contracting sides may conduct negotiations to establish the funds required for that category of personnel and their sources of financing before the law of the national public budget is passed, and later to modify it.

(2) On the basis of the funds approved under the conditions stipulated in paragraph 1, the sides will negotiate the utilization of those funds with a view to deciding salaries and other rights at institutions financed from the national public budget.

(3) The clauses of the present collective labor contract at national level regarding salaries and other personnel rights will be applied to the employees of institutions funded from the national public budget as per paragraphs 1 and 2.

##### Article 51

(1) Increments for special work conditions, calculated on the base pay, are as follows:

- a) Increment for work hardships (...)
- b) Increment for dangerous conditions (...)
- c) Increment for harmful conditions (...)
- d) Increment for embarrassing conditions (...)

(2) Increments will also be awarded for:

- a) Overtime worked in excess of the normal daily schedule agreed upon (...)
- b) Work done on Saturday, Sunday, legal holidays, or on other legal nonworking days, regardless of the nature of the work schedule (...)

c) For carrying out duties related to another position—50 percent of the base pay for the position whose duties were carried out for the time required to carry out the additional job;

d) Length of service (calculated for the overall length of service)—minimum 5 percent for over three years of service; up to a maximum 25 percent in keeping with collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions (with the exception of institutions funded entirely from the public national budget).

e) Night duty—25 percent.

(3) For other work conditions not stipulated in the present collective labor contract the increments will be negotiated under the collective labor contract at the level of branches, groups of enterprises, enterprises, and institutions.

#### Article 52

(1) The supplements to the base pay are:

- a) Pay supplements representing contract increments;
- b) Bonuses awarded from the bonus fund, calculated in proportion of (...) of the monthly and cumulated payroll;
- c) A share of (...) of the profits distributed among the employees;
- d) Other supplements.

(2) Contract increments or subtractions, as the case may be, will be established in accordance with the form of payment applicable to each employee hired under one of the contract forms stipulated in Article 53, paragraph 2.

(3) The share of the profits distributed among the employees will be established under the collective labor contract at the branch, group of enterprises, enterprise, or institution level if the latter carry out profit activities.

(4) Conditions for assigning different size shares, reducing, or cancelling profit-sharing or bonuses and the time interval at which profit shares are distributed to the employees—which may not be longer than one year—are established under the collective labor contract at enterprise or institution level, as the case may be.

#### Article 53

(1) The forms of work organization and remuneration that may be applied are:

- a) piecemeal or by the hour;
- b) by job contract;
- c) on the basis of tariffs or of a percentage of the revenue earned;
- d) on the basis of indexes.

(2) The work organization and contract pay may take the following forms:

- a) direct contract;
- b) progressive contract;

c) indirect contract.

(3) The direct, progressive, or indirect contract may be individual or collective.

(4) The form of work organization and payment slated to be adopted for each job and work place will be established under collective labor contracts at branch, group of enterprises, enterprise, or institution level.

#### Article 54

(1) The management pledges to ensure the necessary conditions for each employee to fulfill his tasks of the daily work schedule.

(2) If the employer is incapable of ensuring throughout the day all or some of the conditions necessary to fulfill the job duties, he is obligated to pay the employees the base salary for the time during which work was interrupted.

#### Article 55

(1) The indexing will be done on the basis of the indexing coefficients established by the National Indexing Commission.

(2) In the wake of indexation, the management is obligated to recalculate the tariffs or payments per unit of products or cost, in accordance with the form of employment and payment practiced by the enterprise.

#### Article 56

Salaries will be paid regularly on the dates established under the collective labor contract of the enterprise or institution.

#### Article 57

(1) All the money rights due to the employees will be paid before any other money obligations of the enterprise or institution.

(2) In the case of bankruptcy or legal liquidation, the employees are treated as privileged creditors and their money rights constitute preferred debts that will be paid in full before the other creditors claim their share.

#### Article 58

The employers are obligated to keep books showing the activities carried out on the basis of individual labor contracts and the rights received by the employees, and to issue certificates to that effect.

### CHAPTER V

#### Working and Free Time

#### Article 59

(1) Normal duration of work time is eight hours per day and 40 hours per week.

(2) The normal working time stipulated in paragraph 1 is the five-day workweek.

(3) At work places where the normal working time cannot be observed because of the nature of the activity, specific forms of organization of the working time will be established, according to case, in shifts, continual shift, or split schedule.

(4) The work places slated to practice the specific forms of working time organization stipulated in paragraph 3 and their particular methods of organization and labor bookkeeping will be established under the collective labor contract at branch, group of enterprises, enterprise, or institution level.

#### Article 60

(1) For certain activities, work places, and categories of personnel stipulated in the collective labor contract of enterprises and institutions, part-time schedules can be established corresponding to a given fraction of the norm, for six, four, or two hours a day. The rights of employees on such schedules will be calculated in proportion to the time worked.

(2) Women employed on six or four-hour part-time schedules will accumulate the length of service due to full-time employees for as long as they are raising children under the age of six.

#### Article 61

(1) Employees working in special conditions will be put on reduced, less than eight-hours a day schedules, in accordance with the law.

(2) The reduced working day at work places entailing special conditions will not affect the salary and length of service due for a normal work schedule.

(3) Working time reductions and the categories of personnel that qualify for them will be established under the collective labor contract at branch, group of enterprises, enterprise, and institution level.

#### Article 62

(1) The start and end of the work day are established under internal regulations decided by the enterprise management with the agreement of the trade union representatives.

(2) Whenever possible, the employers and the trade unions will conduct negotiations to establish flexible working schedules and means of implementing them.

(3) The establishment of flexible working schedules may not lead to increased service duties in excess of those established according to Articles 29 and 30, poorer working conditions, or lower salary income.

#### Article 63

The collective labor contracts at the other levels may decree additional nonworking days to those stipulated by law, specific of the respective area of activity.

#### Article 64

Employees may be summoned to work overtime only with their consent. Anything in excess of 120 hours per year per person requires the agreement of the enterprise or institution trade unions.

#### Article 65

Overtime will be compensated by compensatory leave or pay increments, as agreed between the sides.

#### Article 66

(1) For employees who work nights, the working time is shorter by one hour than during the day, with no effect on the base pay or length of service.

(2) The provisions of paragraph 1 are not applicable to personnel employed in special conditions, where the working day is shorter than eight hours.

(3) At enterprises at which work never stops or where the specific working conditions require it, the night schedule may be the same as the day schedule. Night work under this kind of schedule commands a 25 percent increment over the base pay, provided at least half of the working schedule is worked at night; this increment will also be paid to personnel employed in special conditions where the working schedule is shorter than eight hours a day.

(4) Work done between 2100-0700 is viewed as night work; this interval may be varied by one hour later or earlier in justified cases.

#### Article 67

(1) As a rule, each week an employee is entitled to two consecutive days of weekly rest.

(2) The weekly rest is as a rule taken on Saturday and Sunday.

(3) Where the work place requires that work not be interrupted for Saturday and Sunday, the collective labor contract of the respective enterprise or institution will stipulate conditions in which the weekly rest can be taken on other days of the week or consolidated over a longer time span. The provisions of Article 65 and Article 51, paragraph 2, subparagraph 1 will be applied accordingly.

#### Article 68

Employees are entitled to paid leave for a minimum of 21 working days each calendar year.

**Article 69**

(1) Employees classified as invalids grade I and II and handicapped persons are entitled to additional leave of absence as stipulated by the law, but not less than six days a year.

(2) Personnel employed in special conditions will receive at least three additional days of leave a year. More supplementary leave may be negotiated under labor contracts at branch, group of enterprises, enterprise, or institution level (with the exception of those funded from the national budget).

**Article 70**

The collective labor contracts at the other levels will establish the criteria for giving employees annual and supplementary leave.

**Article 71**

(1) The factors serving as the basis for calculating the allowance due to employees for their annual leave will be stipulated in the collective labor contracts at the other levels.

(2) If the allowance calculated according to paragraph 1 is smaller than the base pay for the month in which the leave is to start, the allowance paid will be equal to the base pay, prorated for the length of the leave.

(3) The collective labor contracts at the other levels may establish that, depending on the economic and financial resources of the enterprise or institution, a vacation bonus may be paid in addition to the leave allowance.

(4) The leave allocation, and where applicable vacation bonus, will be paid before the employee goes on leave.

**Article 72**

(1) The employees are entitled to paid free days on special family events that are listed in Annex No. 5.

(2) Employees are entitled to unpaid leave for the purpose of dealing with personal situations.

(3) The collective labor contracts at the other levels may also stipulate additional situations in which employees will be entitled to paid leave, and the number of such days of leave.

**CHAPTER VI****Measures of Special Employee Protection and Advantages****Article 73**

(1) Whenever the competent bodies of enterprises or institutions approve measures to cut back on work or to reorganize the production process apt to lead to the termination of labor contracts, the management is obligated to inform the trade union organizations in writing of the overall number of positions slated to be cut and

their structure; the announcement must be made 30 calendar days prior to the beginning of the notice term stipulated in Article 24, paragraph 2 of the present contract.

(2) During the period stipulated in paragraph 1 the management is obligated to simultaneously take the following actions:

a) Identify and utilize any opportunities for reassigning the employees within the enterprise or institution;

b) Identify means of shortening the work schedule so as to preempt the need for personnel cuts or to reduce the number of employees whose work contract is to be ended;

c) If they organize retraining or professional training courses, they must give priority to employees whose work contract is to be ended.

(3) If the management has ended the work contracts before the expiration of the period stipulated in paragraph 1, then it must pay a) and b) to those affected.

**Article 74**

If the termination of the labor contract cannot be avoided, the management is obligated to communicate to each employee in writing:

a) The notice period, in keeping with the terms of the present collective labor contract;

b) Whether the employee will or will not be offered another position, or whether he will be incorporated in some form of retraining.

**Article 75**

(1) At the time of actual implementation of the personnel cuts, after vacancies of the nature of those eliminated have been cut, the measures will affect the following, in the order listed:

a) The work contracts of employees who fill two or more positions, and of those who receive a pension in addition to their salary;

b) The work contracts of employees who qualify for retirement at the request of the enterprise;

c) The work contracts of employees who qualify for retirement at their own request.

(2) The following minimum criteria will be taken into account for terminating work contracts in the wake of cuts:

a) If the measure affects two spouses employed at the same enterprise or institution, the contract of the spouse receiving the lower salary will be ended, without thereby ending the work contract of a person filling a position not slated to be cut;



b) That the measure affect first those employees who are not responsible for the upkeep of children;

c) That the last to be affected by the cuts are women raising children, divorced or widowed males with children, and employees, men or women, who have at most three years before they can retire at their own request.

(3) If the measure calling for ending work contracts should affect an employee who attended some form of training or advanced professional classes and signed a contract with the business in addition to the work contract under which he undertook to serve in a certain position for a certain period of time, the management may not demand damages from him for the time left to fulfill the contract.

#### Article 76

The trade unions are entitled to supervise the implementation of Articles 73-75 and to take any legal or conventional step to ensure their implementation.

#### Article 77

(1) The enterprise or institution that will expand or resume operation within 12 months of ending the work contracts for any of the reasons mentioned in Article 73 is obligated to inform the trade unions in writing accordingly and to announce it in the press. The enterprise or institution is obligated to rehire the employees whose work contract was ended for the reasons given in Article 73, who have the necessary skills to fill the vacancies, and who called within 15 days of the publication of the announcement.

(2) The employers are financially responsible for the damages incurred by persons in the wake of failure to observe the provisions of paragraph 1.

#### Article 78

Employees who retire for age reasons will receive a bonus equal to at least the base pay of the month in which they retired.

#### Article 79

In addition to the legal assistance to which they are entitled, the employees will also receive the following:

a) (...) for the birth of a child or the death of an immediate family member or spouse;

b) (...), if the deceased is the employee; if the death occurred because of an accident on the job, a work-related accident, or a professional disease, the assistance extended to the family will be of (...).

#### Article 80

(...) in compensation for temporary incapacitation.

#### Article 81

(1) If the employee is temporarily incapacitated because of an accident on the job or a work-related accident, or because of a professional ailment, throughout the period of incapacitation the employer will pay him a compensation equal to the difference between the base pay at the time of the incapacitation and the assistance he received.

(2) Payment of the compensation envisaged in the preceding paragraph does not eliminate or replace the employee's legal right to damages in accordance with the law.

#### Article 82

The cost of spa vouchers given to employees for the treatment of professional ailments will be borne in full by the enterprise in question, including the cost of a second class railway ticket, or where not practicable, the cost of public transportation fare.

#### Article 83

Housing of any kind, with the exception of service housing, will be allocated to employees of enterprises or institutions by a mixed management-trade union commission, in accordance with the criteria set down in the collective labor contract of the enterprise or institution.

#### Article 84

Enterprise or institution employees sent on a trip inside the country will be entitled to the following:

a) Transportation and accommodation expenses in accordance with the terms stipulated in individual labor contracts at other levels;

b) A travel per diem of 65 percent of the base daily salary.

#### Article 85

Employees of enterprises or institutions sent on temporary duty are entitled to the travel rights stipulated in Article 84. If the temporary assignment exceeds 30 days, the per diem will be replaced by an allowance equal to 50 percent of the daily base pay. This allowance will be prorated to the number of days in excess of an uninterrupted 30 days period.

#### Article 86

The persons on temporary assignment will continue to enjoy all the rights they had at the time of assignment, with the exception of those regarding labor hygiene and safety, even if the same rights are not available at the work place to which they were assigned. If at the work place of assignment the above rights are greater, or if additional rights are given, the persons on temporary duty will be entitled to them, too.

**Article 87**

In the case of employees sent abroad by an enterprise or institution, the rights to which they are entitled in the country and abroad will be established in the collective labor contracts signed at other levels.

**Article 88**

(1) When a female employee is on maternity leave, the enterprise or institution will pay for a certain period of time the difference between the individual base salary and the legal allowance to which she is entitled.

(2) The period for which the compensation is awarded will be established by the collective labor contracts of the respective enterprise or institution, however (...)

**Article 89**

(1) Aside from the legal paid leave authorized for caring for children under one year of age, a mother employee may claim another one year of unpaid leave.

(2) While the employee is on leave as per paragraph 1, her work contract may not be terminated and replacements may be hired only under a limited time contract.

**Article 90**

In the case of a mother's death, the child's father may request and receive:

- a) The compensation stipulated under Article 88;
- b) The unpaid leave not used by the mother at the time of death, including the rights stipulated in Article 89, paragraph 2.

**Article 91**

A female employee who forgoes the legal leave of absence to attend to a child of under one year of age, may have her daily work schedule shortened by two hours without any reduction in her base pay or length of service.

**Article 92**

The provisions of Articles 89-90 are applicable only at the birth of the first and second child.

**Article 93**

Employees who are five months pregnant and more and nursing mothers may not be assigned to night duty.

**Article 94**

(1) Enterprises and institutions will establish a social fund to be used mainly for:

- a); b); c); d);
- e) Financing the cost of:

—Reduced vouchers for convalescence treatment or rest at spas, allocated by the trade unions for employees and their family members, by 50 percent of the base salary and season;

—The full cost of second class railway travel or, where this is not possible, of public transportation for the employee awarded the recovery treatment and rest voucher, and 50 percent of the cost of transportation of the family members;

f); g); h); k.

(2) The amount of the social fund, which may not be less than (...), the method of distribution, and the monitoring of its utilization will be established under the collective labor contract at the enterprise or institution level.

(3) The social fund earmarked for the uses envisaged in paragraph 1 will be run by the management with the agreement of the trade unions.

(4) Any funds not utilized in one year will be carried to the next year.

**Article 95**

The receivers of spa treatment and recovery employed in public institutions will support a money contribution whose size will depend on their base salary and on season, and which will be calculated in accordance with the table approved by the Ministry of Labor and Social Protection. The difference will be paid out of the social security budget.

**CHAPTER VII****Professional, Economic, Social, and Trade Union Training****Article 96**

(1) The sides agree to use the term "professional training" to designate any procedure by which an employee acquires a trade or profession or a new profession, and any procedure by which an employee acquires a specialty or advanced qualifications, thereby obtaining a certificate or diploma to that effect.

(2) The professional training discussed in paragraph 1 also includes advanced training in the areas of labor relations, the right to association, and trade union freedoms.

**Article 97**

When collective labor contracts are signed at the level of groups of enterprises, enterprises, or institutions, the following or more extensive criteria will be taken into account regarding professional training:

a) The professional training requirements mentioned in Article 96, paragraph 1 will be established by the management, while those of Article 96, paragraph 2 will be established by the management together with the trade unions;

b) The cost of professional training for employees will be borne by the enterprises and institutions;

c) Through its representatives the trade union will participate in any form of examination organized to graduate a professional training course within the enterprise or institution;

d) Employees who have signed other contracts in addition to the individual labor contract for the purpose of professional training can be obligated to bear the cost of the training, with the exception of the situations mentioned in Article 75, paragraph 3, if they leave the enterprise for reasons of their own before the completion of three years of the course graduation.

## CHAPTER VIII

### The Rights of the Trade Unions as Employee Organizations and Representatives

#### Article 98

(1) The contracting sides recognize the freedom of opinion for each side and for the employees in general.

(2) The management will adopt a neutral and impartial position toward the trade union organizations and their representatives in enterprises and institutions.

#### Article 99

The collective labor contracts signed at enterprises and institutions will establish the specific procedures by which the trade union representatives can attend the meetings of the boards of management.

#### Article 100

The management pledges to allow the trade unions access to the documents required for argumenting the actions stipulated in Article 29, paragraph 2 of Law No. 54/1991.

#### Article 101

(1) A trade union leader who has the status of a legal person and is employed in the enterprise or institution is entitled to have his monthly work schedule shortened by five days for the purpose of trade union activities.

(2) Regarding the other elected trade union leadership members, the collective labor contracts at other levels will establish how many are entitled to reduced monthly schedules, by how many days their monthly schedule is to be reduced, and how those days are to be taken, singly or accumulated.

#### Article 102

(1) In order to allow the federations and confederations to offer joint services concerning labor relations to enterprises and institutions, such as the services mentioned in Annex 6, the collective labor contracts signed at those levels will establish the dues that are to be paid by the enterprises and institutions into trade union funds.

(2) Simultaneously with the dues cited in paragraph 1, the contracts will also set down the mandatory quota of the fees that is to be remitted by the trade unions to the federations and confederations to which they are affiliated; the quota may not be lower than 75 percent.

#### Article 103

(1) The enterprises and institutions will provide the trade unions with free space and furnishings; the collective labor contracts will establish the conditions for access to the material resources of the enterprise or institution.

(2) Material resources earmarked for cultural and sports activities belonging to the enterprises or institutions or to their trade unions may be utilized, free of cost, for activities organized by the trade unions or the management in compliance with the conditions stipulated in the collective labor contract.

#### Article 104

(1) In 1992 the signatory TUC will organize up to 15 days training for at the most 4,500 members of trade unions from all the branches in matters of trade union actions and labor relations.

(2) The management will allow employees to attend the training classes mentioned in paragraph 1 in the conditions set down in the collective labor contracts signed at other levels.

#### Article 105

The employers, in conjunction with the trade unions in enterprises and institutions and with the personnel employed in positions related to salary payment, will decide the conditions in which the latter will collect the trade union dues and pay them into the trade union account, on the basis of monthly lists of dues presented by the trade unions.

#### Article 106

The enterprises and institutions may not initiate terminating employees' individual labor contracts for reasons connected to trade union activities.

**CHAPTER IX****Final Provisions****Article 107**

(1) On the basis of the provisions of the present collective labor contract at national level, collective labor contracts will be signed at the level of branches, groups of enterprises, enterprises, and institutions, only with the organizations listed in accordance with Article 3 (1).

(2) The branches and groups of enterprises where collective labor contracts will be signed are stipulated in Annex No. 7.

(3) The provisions of the present national collective labor contract are to be viewed as minimal and as the basis from which negotiations will begin for collective labor contracts at other levels.

(4) If no collective labor contracts are signed at the level of branches or groups of enterprises, the provisions of the present national collective labor contract are to be viewed as minimum levels at which to begin negotiating collective labor contracts at the level of enterprises and institutions. Once collective labor contracts have been signed at branch or group level, the collective labor contracts of enterprises and institutions will be brought in line with them.

**Article 108**

Individual labor contracts may not feature clauses contrary to the provisions of the collective labor contracts at national, branch, group, enterprise, and institution level, or rights that fall short of the minimum limits stipulated in Article 107.

**Article 109**

The provisions of individual labor contracts in existence on the date of enactment of the collective contracts will be brought into line with the provisions of the latter.

**Article 110**

(1) The provisions of the present collective labor contract are applicable to all the persons mentioned in Articles 2, 3, 4 of Law No. 54/1991 and to all the employees listed in Article 11 of this contract.

(2) The management is obligated to implement the provisions of the present collective labor contract and the collective labor contracts signed on the basis of it only in relations to employees who are members of trade unions affiliated to one of the signatory TUC's, and to employees who joined in accordance with Article 11 and Annex No. 2.

**Article 111**

Whenever enterprises or institutions are reorganized or privatized, the rights and obligations stipulated in the

present collective labor contract will be transferred to the new legal entities resulting from such legal operations.

**Article 112**

The present collective labor contract will come into effect on the date on which one of the sides registers it, in keeping with the terms stipulated in Article 12, paragraph 3 of Law No. 3/1991.

**Signatories:**

Representatives of the management designated by the Chamber of Commerce and Industry

**Mediator**

Representatives of the following trade unions:

—National Confederation of Free Trade Unions of Romania

—National Trade Union Confederation "Cartel Alfa"

—"Fratia" Confederation of Independent Trade Unions

**ANNEX NO. 1****Signing Collective Labor Contracts at Branch, Group, Enterprise, and Institution Level on the Basis of the Collective Labor Contract at National Level**

1. Within three working days of the enactment of the present contract, the signatory TUC will communicate in writing to the Romanian Chamber of Commerce and Industry the names of the trade union organizations that will negotiate collective labor contracts at branch or group levels.

2. Within three working days of the receipt of the communication, the Chamber of Commerce and Industry will designate the management representatives who will negotiate at branch or group level and will convey their names to the confederations.

3. Negotiations for collective labor contracts at branch or group level will begin within at most 10 working days after the enactment of the present contract only with the trade union organizations listed in accordance to paragraph 1 of this annex.

4. Negotiations for collective labor contracts at enterprise or institution level will begin within maximum 10 working days of the enactment of the collective labor contracts at branch or group level.

5. The provisions of individual labor contracts will be aligned to the provisions of the collective labor contracts at the higher level, within maximum 10 working days of the latter's enactment.

**ANNEX NO. 2**

**Joining Statement**

The undersigned, ..... residing in ..... str ..... county ..... ID No. .... series ..... issued by ..... on ..... employed at ..... as ..... intend to take advantage of the clauses of the national collective labor contract negotiated by the confederations belonging to the National Consultative Council of Romanian Trade Unions for the purpose of negotiating my individual labor contract in accordance with Article 11 of the national contract.

I agree to have a monthly contribution of 1 percent of my salary withheld and claimed in accordance with Article 106 of the national collective labor contract.

Signature,

Date .....

**ANNEX NO. 3**

**Regulations**

for the organization and operation of the National Mixed Commission

1. The National Mixed Commission will be made up of one representative of each of the signatory TUC's and an equal number of representatives of the management designated for this purpose for the period of implementation of the contract, within 10 days of the enactment of the present contract.

The members of the joint commission will be designated by the signatory TUC and the Romanian Chamber of Commerce and Industry respectively.

2. The commission will meet at the request of any of its members, within maximum five working days of the request, and will pass decisions, valid by consensus, in the presence of three-quarters of the total number of members.

3. The commission will be chaired, in rotation, by one representative of each side elected at the respective meeting.

4. Decisions adopted as per paragraph 2 are binding to all the contracting sides.

5. The secretarial duties for the commission will be ensured by the management.

**ANNEX NO. 4**

**Individual Labor Contract**

The individual labor contract No. .... was signed on the basis of the collective labor contract signed between ..... and registered under No. ....

Between:

The enterprise (institution) ..... with offices in ..... represented by ..... as ..... and Mr. (Mrs.) ..... address ..... ID

series ..... No. .... issued by ..... on ..... aged ..... and with a length of service of ....., by profession ..... The present labor contract is signed in the following terms:

1. The labor contract is signed for an unlimited, limited duration, beginning on ..... and ending on .....

2. Mr. (Mrs.) ..... will fill the position of .....

3. The job location is in .....

4. Terms of employment: hired for (full time, part-time) .....

5. The working conditions are classified as: (difficult, dangerous, harmful, embarrassing, normal).....

6. The gross monthly salary is .....

The salary rights will be paid in two-week payments as follows:

a) First two-week pay period on .....

b) Second two-week pay period on .....

7. Overtime will be paid in accordance with the collective labor contract.

8. Mr. (Mrs.) ..... will receive the following increments .....

And the following cash allocations:

9. The sides agree that some of the employee's money rights will be paid out directly through the financial-accounting department of the enterprise, as follows:

10. The annual leave will be of .....

Similarly, Mr. (Mrs.) ..... is entitled to an additional leave of .....

The annual leave will be taken by agreement between the sides.

11. The sides bear the following general obligations:

The employer mainly pledges to:

—provide the employee with appropriate working conditions and with all the equipment required to carry out his job duties in accordance with the specific requirements of the work;

—give the employee all the rights to which he is entitled by law;

—respect and fulfill the provisions of the collective labor contract;

—other obligations (according to the specific nature of the enterprise).

The employee pledges to:

—carry out his duties and the tasks specified in the position description attached to the individual labor contract;

—respect the terms of the collective labor contract and the internal order regulations;

—..... (other obligations related to the respective job).

The present contract is signed in two copies, one of which will be kept at the enterprise and the other by the employee.

Employer

Employee

The present contract was amended on ..... by ..... on the basis of .....

Employer

Employee

Following completion of the legal procedures on ..... the present contract ends by ..... for the following reasons ..... based on (decision, decree) ..... on the basis of article .....

Employer

#### ANNEX NO. 5

##### **\*Situations in Which Days of Paid Leave Are Granted and Number of Such Days**

- \*1) Death of spouse, child, parents, parents-in-law
- \*2) Death of grandparents, siblings, nephews (second grade relatives)
- \*3) Birth of a child
- \*4) Wedding of a child
- \*5) Wedding of parents, siblings
- \*6) Employee's wedding
- \*7) Moving to a new home in the same locality

The protocol drafted on 21 January 1992 featured, among other things:

1. The rereading of the unabridged text of the collective labor contract at national level for 1992, negotiated between:

—The employees, represented in accordance with Article 42 of Law No. 54/1991, by: "Fratia" Confederation of Independent Trade Unions; the National Confederation of Free Trade Unions of Romania; The "Cartel Alfa" National Trade Union Confederation, joined together in the National Council of Romanian Trade Unions, on the basis of the mandates issued, and

—Representatives of the management, designated by the Romanian Chamber of Commerce and Industry under authorization No. 223/3 December 1991.

2. The valid form of the text is that which bears on each page the signatures: Victor Ciorbea, Liviu Pop, and Gheorghe Brehoi.

3. The sides agree with the following notations:

a) The following were not negotiated:

—clauses concerning the minimum base pay (Articles 48 and 49); Article 94, paragraph 1, subparagraph g; the text included in Article 110, paragraph 2; the contents of Annexes Nos. 6 and 7; the contents of the chapter regarding employees' obligations.

b) Preliminary negotiations were held on the articles marked by an asterisk (or .....), with the exception of Article 94, paragraphs 1, subparagraph e;

c) All the other articles have been negotiated in final form.

4. On 21 January 1992 at 0900 the sides will meet to resume negotiations for finalizing the articles cited under paragraph 3 a) and b) of the present protocol.

7. The sides agreed to publish the collective labor contract at national level in the form agreed upon today and signed by Messrs. Victor Ciorbea and Liviu Pop.

8. The sides agree to register the collective labor contract at national level for 1992 only with the clauses negotiated in their final form, and with the fact that the effects of the registration will operate only in connection with those finally negotiated clauses.

9. In the conditions envisaged under paragraphs 1-6 and 8 above, the collective labor contract at national level for 1992 was signed in the above form and contents.

### Croatian Democratic Community Electoral Problems

92BA0494A Zagreb DANAS in Serbo-Croatian 4 Feb 92  
pp 20-21

[Article by Marinko Culic]

[Text] Are you going to vote for the HDZ [Croatian Democratic Community] in the next election? That question, which most voters will seriously ask themselves only on the eve of the actual election, is even now quite certainly the main concern, perhaps even something of a nightmare, for the party in power. Should the situation on the eve of the last election recur in any respect, then the uncertainty about the election prospects of the incumbent party (at that time, the SKH-SDP [League of Communists of Croatia—Democratic Reform Party], now the HDZ) is an uncertainty which offers just as many reasons for believing in its victory as in its defeat.

To be sure, the polls which the press here is taking indicate increased interest in the party of the Croatian "communitarians," and the one published in GLOBUS is already yielding a percentage of HDZ sympathizers (40.5) approximating that with which it won the last election. But this was the sudden increase anticipated after Croatia's recognition, which nevertheless is not enough to forget that this was preceded by months of drought, when the HDZ was getting approximately 30 percent of potential sympathizers, while among the rest ever firmer nuclei were being formed of those who were "decided" at the time of the election and still are, but oppositely.

Decided "for" has turned into decided "against." It is thanks to that that several other parties have been winning points quite rapidly (the HNS [Croatian People's Party], the HSLS [Croatian Social-Liberal Alliance], HSP [Croatian Rights Party]); and the largest increase has been recorded by a party which did not take part in the election, nor will it in the next one. This is "None." It has even climbed to third place in the ranking (after the HDZ and HNS), and has thus demonstrated that in spite of the celebration after 15 January, the party of those who are vacillating, who are doubtful, or who are even disappointed is "faring" best. Perhaps there will be an occasion to analyze more carefully who those "sympathizers" are for whom "no one" is the greatest favorite on the Croatian political scene. But it is fairly likely that these are mainly people who took the price of Croatian recognition harder than others (it should not be forgotten that Croatia is the only one of the newly recognized states of which it can be said that it has literally "shed blood").

#### Nervousness at the Top

It is not altogether clear what kind of future this "party" has. But there is no doubt that up to now it has grown mostly at the expense of the incumbent party (although probably the SDP has not been spared either), and that it

could remain that way in the future. This has already caused nervousness among the leading people in the HDZ, and a month ago President Tudjman openly reproached the weekly we mentioned for having "fixed" the poor results of the incumbent party, but immediately after that there was the sudden jump of the HDZ (and of Tudjman himself), so that the criticism was no longer being heard. No one, however, can guarantee that the reproaches of that or some other newspaper will not recur. It is quite likely, that is, that the public disposition toward the incumbent party will continue to fluctuate, with foreseeable decreases if it turns out that Croatia must renounce the occupied sections for a lengthy period and if hundreds of thousands of refugees have to remain where they are now. It is equally likely that this will also occur in case of major social upheavals, especially if they bear the imprint of the war (the possible resentment of the "homeless from Vukovar," or the "landless from Baranja"). Nor is it precluded that this could happen even after some wrong move in foreign policy, for example, concerning the involvement of the blue helmets, which could in turn have consequences in domestic policy—perpetuation of the situation of neither war nor peace, hesitation of the aid from outside—which would spoil the election rating of the incumbent party from the outside.

Now that we are talking about the outside world, we should recall that even in the case of those who consider themselves Croatia's greatest friends the sympathies are subject to a small, but firm, qualification. Helmut Kohl recently declared that by establishing diplomatic relations with Croatia, Germany was recognizing the Croatian state, but not the government. It is a question, then, of recognition not just of any Croatia. Attention is being called to this by Ivan Cesar, leader of the Croatian Christian Democrats, who for months now has been waging an authentic "party war" because of the HDZ's attempt to covertly take away from the HKDS [Croatian Christian Democrat Party] its Christian Democrat credentials and thus strengthen itself for the election. "Had I reported this to the European Union of Christian Democrat Parties, the reply would certainly have come back from there that the HDZ is violating the elementary rules of parliamentarianism. That certainly would not be a good recommendation on the eve of Croatia's recognition. That is why I did not do it, but I am warning that the claims of the HDZ to suck up the entire ideological legacy of Croatia—from Radic to the Christian Democrat, including the left, should be seen as creation of a platform for totalitarianism," Cesar said.

The intentions of the HDZ are altogether dubious—that it is making itself more attractive to the voters by putting on the habit of the Christian Democrats; Catholicism is widespread in Croatia, but there is practically no tradition for organizing political parties on a Christian basis, and it seems that the incumbent party is in this way only taking an unnecessary risk of new odium because of its arrogance and selfishness. And it already exists anyway, indeed not only where the incumbent party has in some

way deserved it, but also where objectively it is not in debt. For instance, when the government in the Upper City was targeted because of some 30 decrees introducing an entire parallel Croatian justice system, the momentum carried this over to the HDZ as well, although its top leadership does not reach the place where the decision on this is made. What is more, analyses would show that the influence of the party leadership of the HDZ ends at the *opcina* level so that the picture one gets of the party as a whole is that of a good-natured giant who showed his prowess in the election and now has been left to his own devices.

That is why the original muscle tone of the HDZ as a party hardly exists today: Some of the party "water carriers" have lost the vision they had previously and have moved to other parties (some deputies in the Assembly have in fact moved to the HKDS, which we mentioned previously). Some, on the other hand, have redirected their energy to agitation within the party, which was stopped only recently. Obviously, precisely so that the elections do not find them in a confused struggle for power on two battlefields—both within the party and at the top of the government—which would drive away new groups of those who until yesterday were sympathizers.

It is evident that the incumbent party, more accurately its top leadership, has mostly "organized" the pacification of the HDZ itself, just as on the other side "everything has been done" to marginalize the Assembly. An attempt will be made to improvise a return from the lower branches where the party camped for months before Croatia was recognized, it has already become evident, by portraying recognition as the exclusive accomplishment of the HDZ (the business dropped below the line of good taste when the Assembly proclaimed the president of the republic the only one who deserved credit, as though, for instance, the Foreign Ministry had not performed even the most routine preliminary operations in that direction).

But even if the attempt to impose this impression is successful, it would be difficult to hold the fluid of success until the election, which can be held in May at the earliest. It is possible, then, that the president of the republic will opt for presidential elections before parliamentary elections, because he assumes with good reason that he has greater prospects than his own party. But for that very reason the people in the party are more inclined toward simultaneous elections (*Seks*), and they are doing everything to restore in the HDZ the vitality it had in the first election, but then lost, mostly in fact because of an "overactive" president. The communicative Mesic's assumption of the top position in the party administration could prove to be one of the most successful moves of the party headquarters in the recent past. Assuming, of course, that he does not take too many liberties in that office and threaten the popularity of the untouchable president of the party and of the Republic of Croatia.

But the question is to what extent it is possible to make up for the barrenness of the party personnel that has prevailed at the top of the party for months, which frequently has been occupied by those who had nothing else to do or stopped by briefly as they were moving from one post to another. The building of the party headquarters on Great Croats Square, and even the one on Becic Steps (not long after the election was over), were for months like peaceful stopping places visited only by ambitious local activists. Anyone you tried to get on the telephone there, you got immediately, as though it were some house in the country.

### Immense Appetites

The present attempts to shake the party out of its lethargy coincide with the election, and this is both a good thing and a bad thing at one and the same time: good because the minuses accumulated in past months can be made up in a short time, bad because those minuses might pile up in polling places and take the party further down than it has ever been. Debate has just begun on the election law proposed by *Seks'* legislative commission, but even now it can be said that the incumbent party has done everything, just like its predecessor, to use it to help itself and make it difficult for others. The majority system, with which the HDZ won the first election, has now been rejected, because it is believed that it offers too much risk in a situation when equilibrium or even inferiority to some other party is not precluded. Nor is the proportional system being proposed, but a mixture of both, and that for reasons which have obviously been carefully weighed, not just decided overnight. A little investigation of our collaborator Agan Begic has shown that this system offers optimum opportunities for the party to hold the positions it hopes that it still has, while at the same time guaranteeing that the growing popularity of others will not be felt excessively in the election results. In the study, the votes which the HDZ received in the last election to the Sociopolitical Chamber, which is the only one elected democratically, would be counted according to the new election system.

It turned out that the incumbent party would get 62 deputy seats in the House of Representatives with 40 percent of the vote, which means that it "could independently man the helm of the Croatian political ship for the next four years." But if the proportional system were adopted, the HDZ would gain a quite slim majority (53 seats by one method of computation and 52 by the other).

The conclusion of the study is that the HDZ, which is imitating the German election model, has also intended for itself the role played in Germany by the Christian Democratic Union. The only difference is that in view of the appetites displayed toward the smaller parties, the HDZ has no intention of "seeking its own Genscher." But Genscher has become such a part of us, we will have a hard time doing without him in the future.



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